# North Carolina Department of Public Safety

## New Employee Orientation

Revised 01/01/2015

This orientation session has been designed for all Department of Public Safety new hires and transfers, certified and non-certified. This ensures that all employees are receiving the same necessary information regardless of where they work.

The Manual you have before you is yours to keep. Please feel free to make notes as needed.

We will be going through this manual today to explain certain policies and procedures. Due to the volume of information contained within the manual, we will not cover all the material in the manual. Instead, we will try to cover the most important policies and procedures in some detail, briefly cover others, and leave some for you to review at your convenience. However, since you will be held accountable for the information contained within this manual and expected to adhere to the policies within, we strongly encourage you to carefully read the entire Orientation Manual. Should you have questions later, please refer to your supervisor or appropriate manager at your work unit for clarification.

## IMPORTANT:

- The New Hire Orientation Manual is being provided to you to familiarize you with policies and benefits of the NC Department of Public Safety.
- The contents are subject to change, therefore, be sure to refer to the appropriate manual and/or manager at your facility for the most current information.
- It is your responsibility to read, understand, and adhere to the contents of this Manual. Questions should be directed to your appropriate manager and/or the Human Resources Office.

## WHERE TO GO

**WWW.NCDPS.GOV**
**FOR EMPLOYEES**

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**Orientation Manual Page: Disclaimer Page**

Ask class to open their manual to the Disclaimer page.

They should use the Manual as a general guideline, however, should refer to the appropriate Policy Manual or unit manager to ensure they are receiving the most current information and/or policy revision.

All policies and forms can be accessed by going to the main DPS website at www.ncdps.gov and clicking on the FOR EMPLOYEES tab.

## Objectives

- Become familiar with and understand the Department of Public Safety mission and organizational Structure
- Develop an understanding of the Department's policies and procedures.
- Review the benefits available to the employees of the Department of Public Safety.

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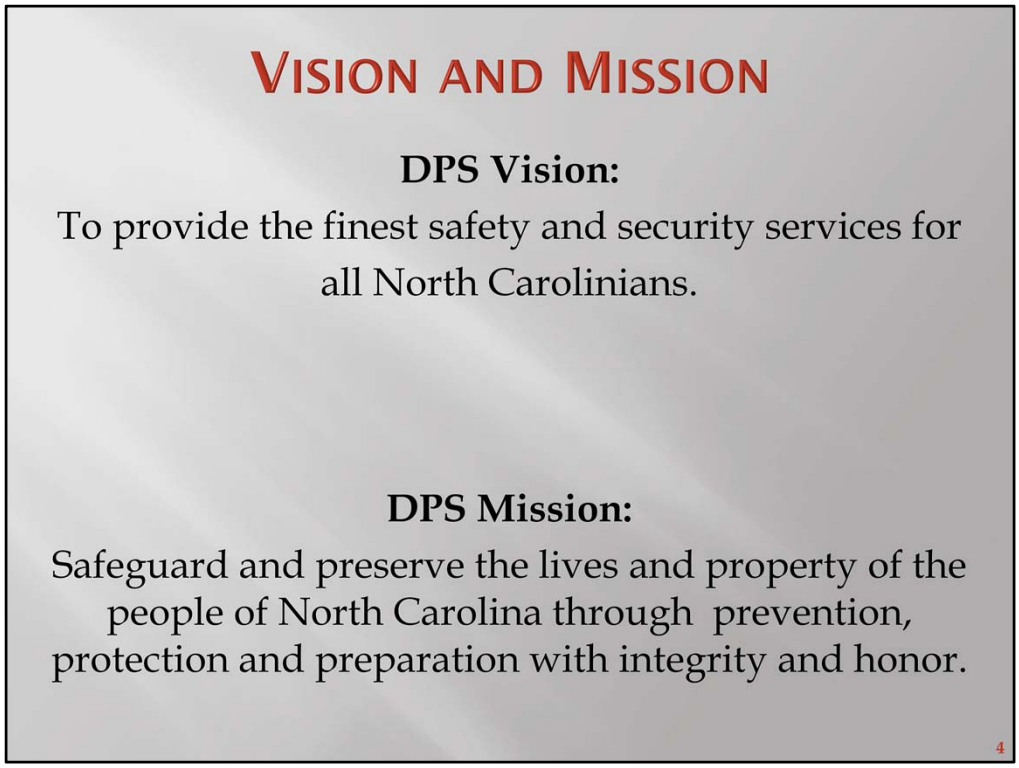
We have 3 main objectives today:

- Familiarize you with the Department's mission and organizational Structure
- Develop an understanding of the Department's policies and procedures.
- Review the benefits available to the employees of the Department.

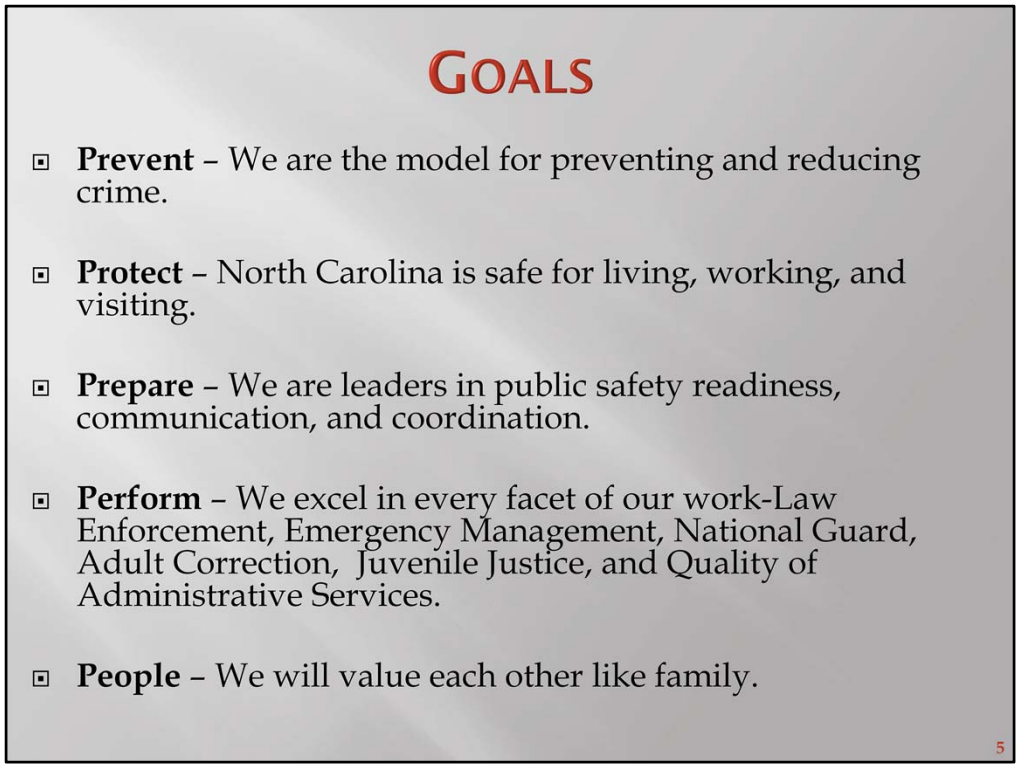



**Orientation Manual Page: 1**
As we begin, a good place to start is to understand what the vision and mission for our agency is.

The Vision for the NC Department of Public Safety is to provide the finest safety and security services for all North Carolinians.

The Mission for the NC Department of Public Safety is to safeguard and preserve the lives and property of the people of North Carolina through prevention, protection and preparation with integrity and honor.

These 2 things set the tone for everything else that we do. Every task that we do should be to help us as an agency meet this vision and mission.




**Orientation Manual Page: 1**

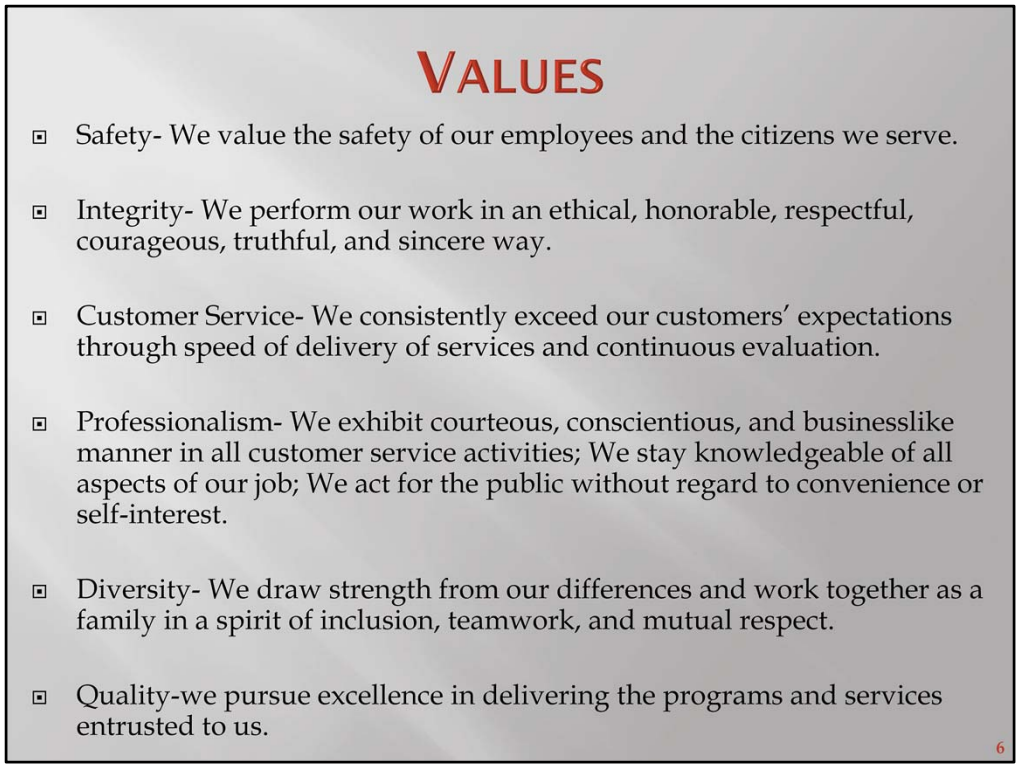
The goals for the entire department are to
Prevent – We are the model for preventing and reducing crime.

Protect – North Carolina is safe for living, working, and visiting.

Prepare – We are leaders in public safety readiness, communication, and coordination.

Perform – We excel in every facet of our work-Law Enforcement, Emergency Management, National Guard, Adult Correction, Juvenile Justice, and Quality of Administrative Services.

People – We will value each other like family.




**Orientation Manual Page: 1**

As we meet those goals set forth by the executive leadership, there are several values that we should apply in all of our daily work:

Safety- We value the safety of our employees and the citizens we serve.

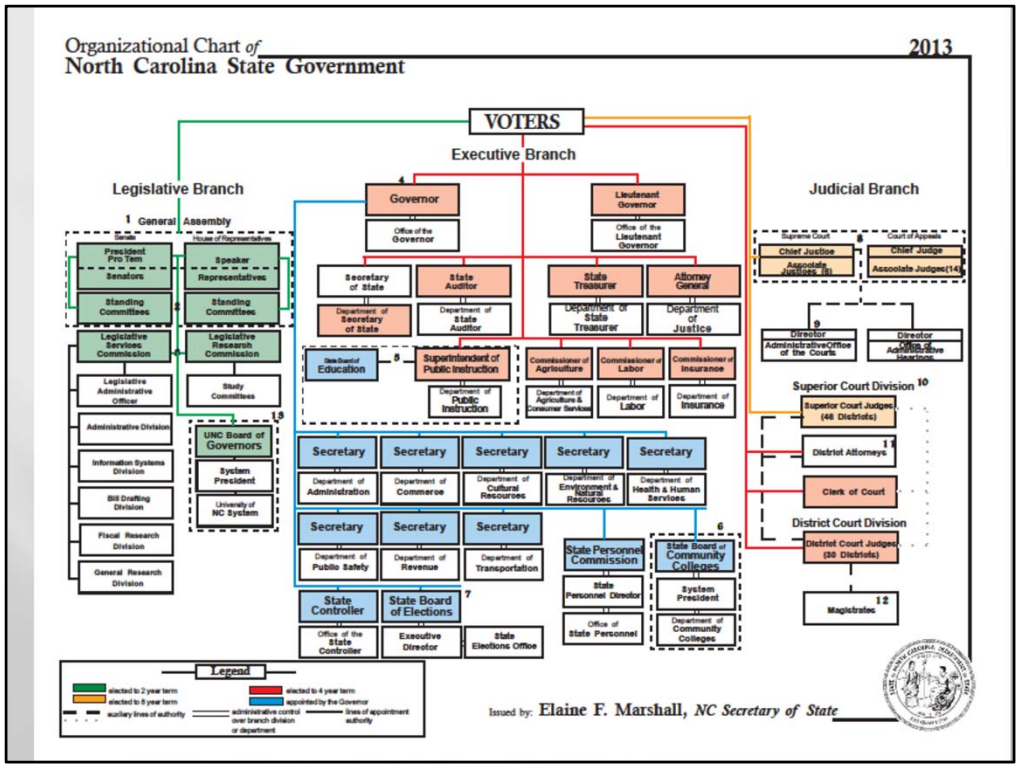
Integrity- We perform our work in an ethical, honorable, respectful, courageous, truthful, and sincere way.

Customer Service- We consistently exceed our customers' expectations through speed of delivery of services and continuous evaluation.

Professionalism- We exhibit courteous, conscientious, and businesslike manner in all customer service activities; We stay knowledgeable of all aspects of our job; We act for the public without regard to convenience or self-interest.

Diversity- We draw strength from our differences and work together as a family in a spirit of inclusion, teamwork, and mutual respect.

Quality-we pursue excellence in delivering the programs and services entrusted to us.

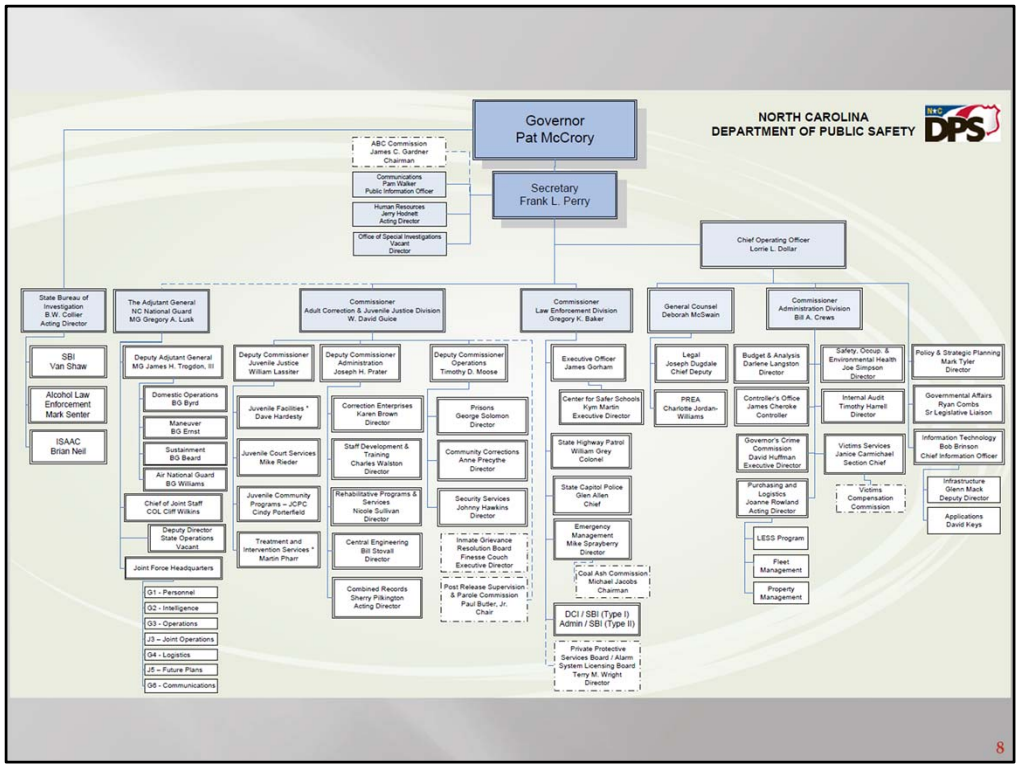



**Orientation Manual Page: 2**

How many of you have worked for State Government before? If you haven't or if you don't remember what you learned in 4th grade North Carolina History and Government, it may be helpful to do a quick review of the layout of State Government and where the Department of Public Safety fits in the organizational structure of State Government.

Within the Executive Branch of NC Government, the voters of NC elect the Governor and the Council of State, which includes the Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, Attorney General, the Superintendent of Public Instruction, and the Commissioners of Agriculture, Labor, and Insurance.

Once elected, the Governor selects Secretaries for his or her Cabinet Agencies. DPS is a Cabinet Agency along with the Depts of Administration, Cultural Resources, Commerce, Health and Human Service, Environment and Natural Resources, Revenue, Transportation, State Controller, the State Board of Elections, State Personnel Commission, and the State Board of Community Colleges.



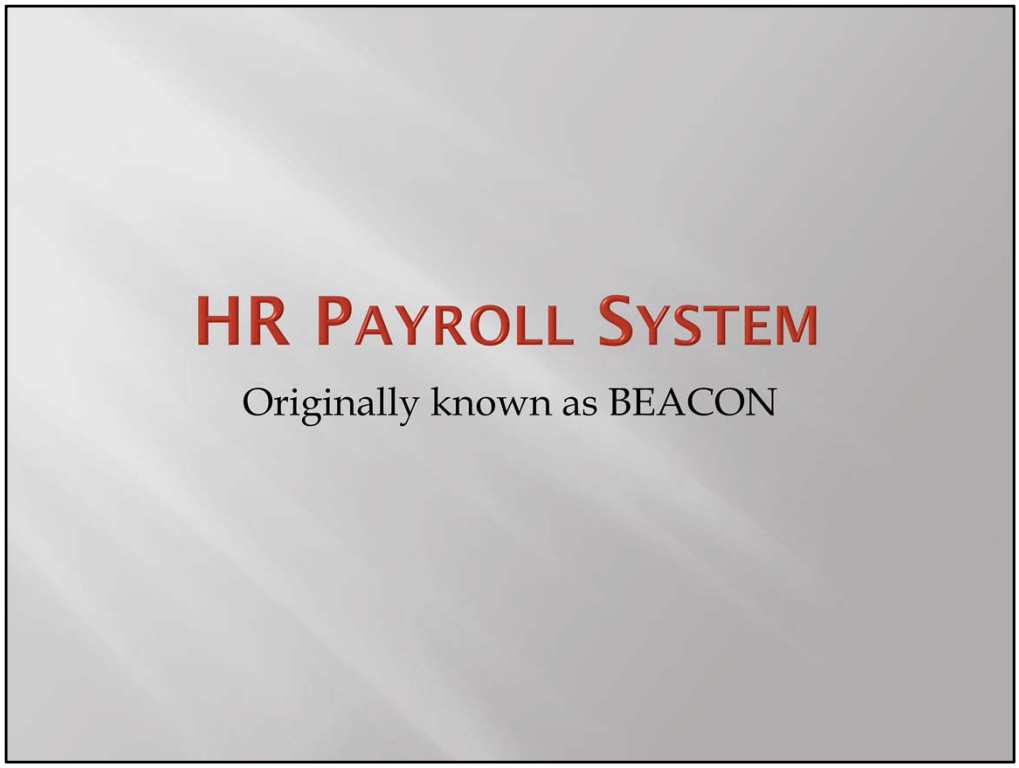

**Orientation Manual Page: 3**

This chart provides you with the organizational structure of the Department of Public Safety.

You'll see that in addition to the Office of the Deputy Secretary and General Counsel, the Department is organized in to Divisions that include—Adult Correction and Juvenile Justice, Law Enforcement, and Administration.

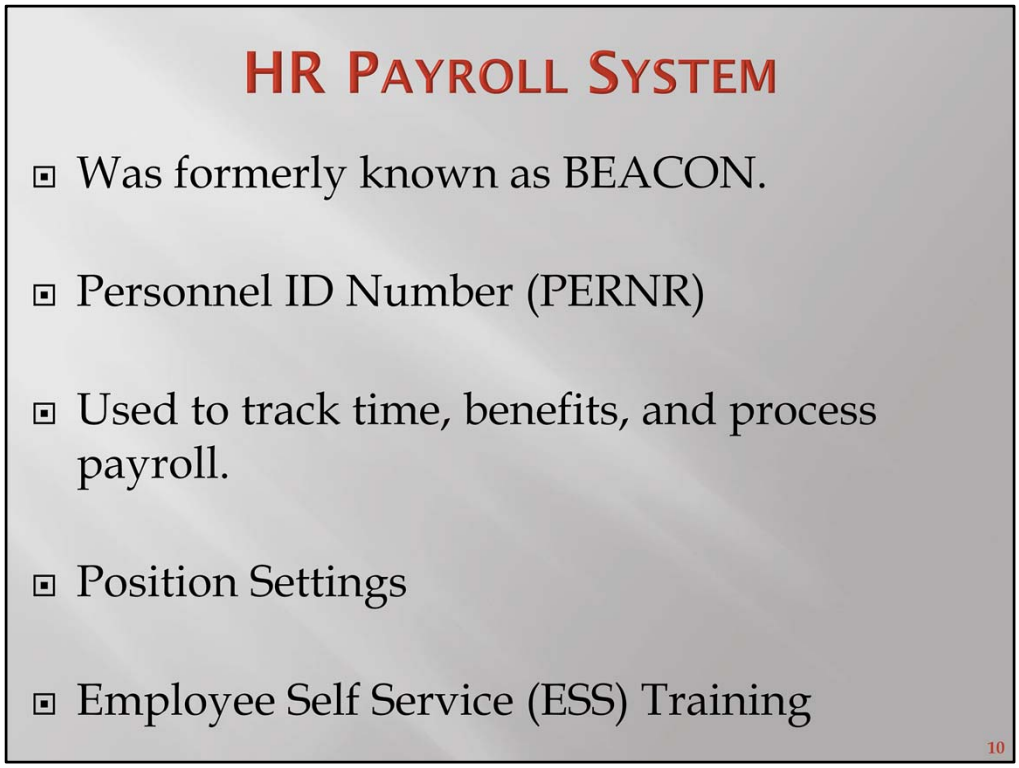
The Department of Public Safety is a very large, in fact it is THE largest agency in the State of NC and employs over 26,000 employees in all 100 counties of the State.

You can read a brief description of what each division is responsible for beginning on **page 4** of your workbook. Take a moment to do that now.




**Orientation Manual Page: 9**

We will begin by spending some time on the HR Payroll System.

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In April 2008, most state agencies began utilizing a new Payroll System. The project name during the transition was BEACON which stood for
Building Enterprise Access for NC's Core Operation Needs. You will still hear the term BEACON used for the HR Payroll System.

As a new employee, you will be assigned a Personnel ID number, often called a PERNR. This number will serve as your ID number while you are an active employee and even as a retiree.

The HR Payroll system is an integrated system that is used to track time, benefits, and process payroll. This means it is very important for all of us to make sure that information is this system is accurate.

The Office of State Controller has developed an instructional course titled Employee Self Service (ESS) Overview to help familiarize all employees with the ESS portal. New employees are required to complete the ESS Overview training as part of new hire orientation. This training is three hours of training credit.

## Position Settings

- Each employee's position has the following designations:
  - A designated, predefined work schedule;
  - A holiday calendar;
  - A work period;
  - Position settings which determine eligibility for overtime / compensatory time, shift premium pay, on-call/emergency call back, and holiday premium rate.
- Based on these settings OT, Comp Time, Shift Premium, etc. are automatically calculated.
- The position settings and time entry are the foundation for how an employee's time is processed and paid in the HR Payroll System.

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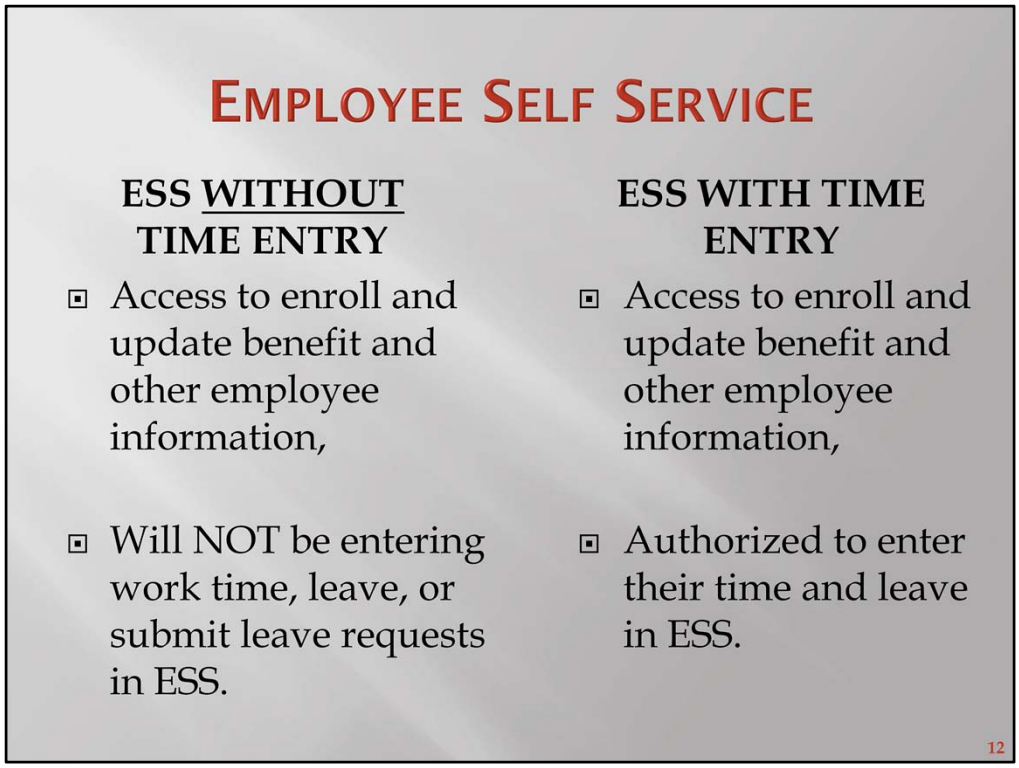
**Orientation Manual Page: 9**

Each employee's position has the following designations:

- A designated, predefined work schedule;
- A holiday calendar;
- A work period;
- Position settings which determine eligibility for overtime/compensatory time, shift premium pay, on-call/emergency call back, and holiday premium rate.

Based on these settings, Beacon will automatically calculate OT, Comp Time, Shift Premium, etc.

Therefore, the position settings and time entry are the foundation for how an employee's time is processed and paid in Beacon SAP.

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The HR Payroll System offers a self-service option known as Employee Self Service. DPS employees have access to ESS in either one of two ways.

The majority of employees in DPS have access to ESS without Time Entry. ESS without Time Entry means employees will have access to enroll and update benefit and other employee information, however, will NOT be entering work time, leave, or submit leave requests in ESS.

Certain DPS locations have been authorized to have access to ESS with Time Entry. In addition to having access to enroll and update benefit and other employee information, employees at these locations have been authorized to enter their time and leave in ESS.

Please refer to your supervisor and/or manager to determine whether you have ESS with or without Time Entry.

## Employee Self Service

- My Personal Data
  - Update/change Address
  - Update/change Tax Withholdings
  - Add/update Family Member Dependents
  - Change Bank Information
- My Working Time
  - Enter working time (for authorized locations)
  - Request leave from supervisor
  - View/print Leave Quota balances
- My Pay
  - View/print past & current Pay Statements
  - Access multi-year W-2 information
- My Benefits
  - Enroll in State Health Plan & NCFlex programs
  - Add/change beneficiary info for NCFlex
  - Access 401K & Deferred Comp websites for enrollment

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Employees can access ESS online at https://mybeacon.nc.gov .

Under “My Personal Data,” you can update/change address information, tax withholding information, add/update family member dependents and change bank information.

Under “My Working Time,” you can enter working time and leave, request leave from your supervisor, and view and print your leave quota balances. Remember, ONLY employees at locations that are authorized to enter time/leave shall enter work time and make leave requests in ESS.

“My Pay” allows you to view/print past and current pay statements. You can also access W-2 information.

“My Benefits” allows you to enroll in the State Health Plan and NCFlex programs. You can add/change beneficiary information for NCFlex and also access the 401K and Deferred Comp websites.

As we explained earlier, information about ESS will be explained in more details during the ESS Overview training.

## Manager Self Service (MSS)

At locations authorized to enter Time/Leave in ESS, managers/supervisors with MSS will be able to:

- Review & approve time entry of employees;
- Review & approve leave requests;
- Access to general information on employees;
- Ability to run various Time Reports.

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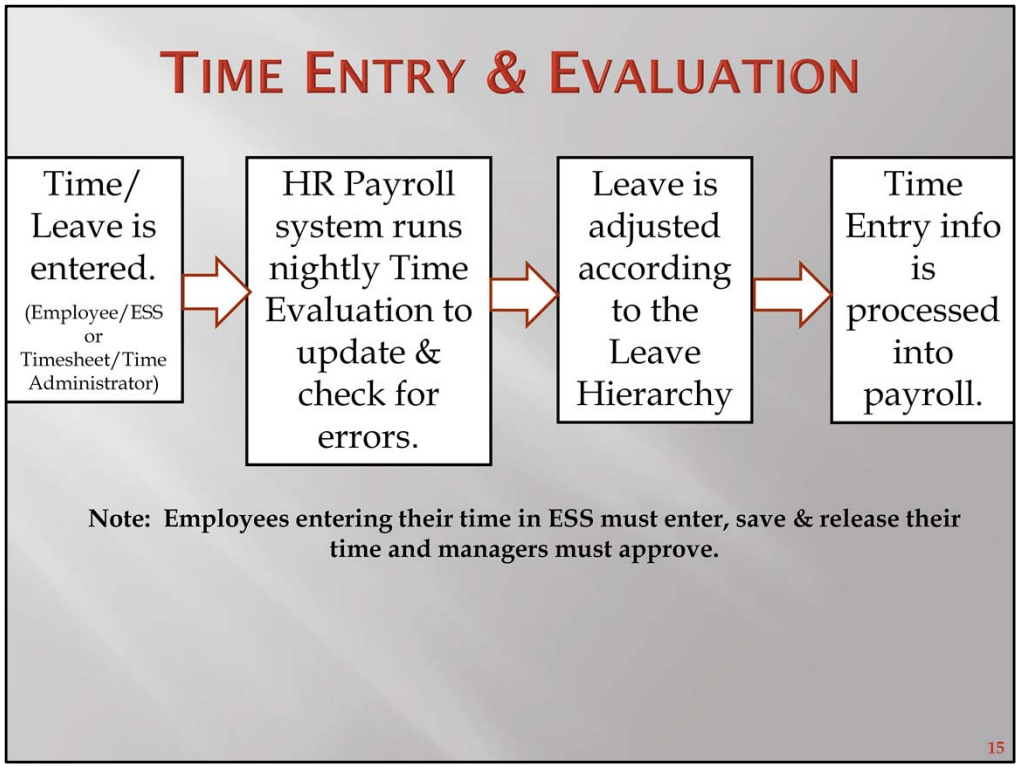
Manager Self Service will only be available at locations that have been authorized to enter Time/Leave in ESS because the primary function of MSS is to review and approve Time Entry.

Managers using MSS will be able to review and approve time entry of employees as well as approve leave requests. As a manager, MSS will give you access to general information on your employees and provide you the ability to run various Time Reports.

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This diagram shows how time and leave translate in to Payroll.

Once time/leave has been entered into the system either by the Time Administrator or by the employee via ESS, the HR Payroll system will run a nightly Time Evaluation. Time Evaluation determines:

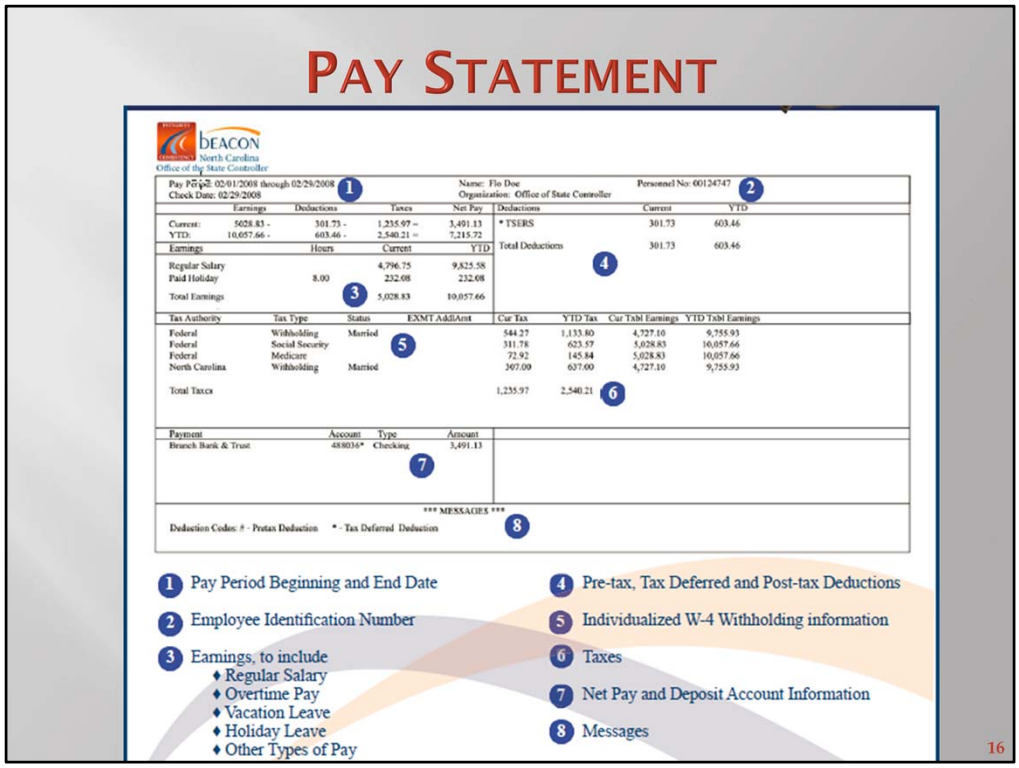
- Overtime/Compensatory Time
- Premium Pay
- Leave Offsets and
- Recovery of Liabilities

Time Evaluation checks for time entry errors, updates the time/leave records that were entered and approved. These results are used to generate your pay.

Leave is than adjusted/updated according to the leave Hierarchy which we will discuss later.

Then Time Entry information is processed into payroll.

Please keep in mind that this is a brief overview of how time entry affects pay. Factors such as position settings, pay cycles, overtime periods, payroll deadlines, leave offsetting, etc. will also affect pay.

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Employees can print their own pay statements from ESS.

Pay statements will include information such as the beginning and ending date of the pay period (monthly or bi-weekly), your employee ID number, and your total earnings and net pay. There will be a line item for "Total Base Pay" which as we explained should be approximately the same each month. There will also be a line item for "Total Other Pay" which is the sum of any supplemental pay (overtime, shift premium, etc.).

Pre-tax and post-tax deductions will be indicated as well as W-4 withholding information and taxes. Leave balances will be printed on pay statements for non-ESS employees.

Please note that it is state policy that all employees receiving their pay through Beacon must be enrolled in direct deposit.

More information on viewing and printing your Pay Statement in ESS will be provided in the ESS Overview training.

## YOUR FIRST PAYCHECK

- DPS has monthly payroll deadlines. The date you report to work will affect when you get your first paycheck.
- If you report to work and your paperwork is processed PRIOR to the payroll deadline for that month, you may receive a paycheck on the last working day of the month.
- However, if you report to work and your paperwork is processed AFTER the payroll deadline for that month, you will receive a paycheck on the last working day of the following month. Pay from your first month's work will be included in this paycheck.

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DPS has monthly payroll deadlines. The date you report to work will affect when you get your first paycheck.

If you report to work and your paperwork is processed PRIOR to the payroll deadline for that month, you may receive a paycheck on the last working day of the month.

However, if you report to work and your paperwork is processed AFTER the payroll deadline for that month, you will receive a paycheck on the last working day of the following month. Pay from your first month's work will be included in this paycheck.

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If you have questions or problems related to the HR Payroll System, you can
Consult with your Manager/Supervisor
Ask your location HR Representative
Contact Central HR
BEST Shared Services

BEST Shared Services (BEACON Enterprise Support Team) is a the organization created to support the HR Payroll System community, including employees, managers, and agency HR.

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Now we will discuss the benefits options available to you as a state employee and employee of the Department of Public Safety. This training is important because it introduces you to both State as well as Departmental (agency-specific) benefits and the various leave programs that are available.

## Vacation Leave

- Based on years of Service
- Is earned after an employee has worked ½ of the workdays in a month.
- Up to 240 hours per year may be accrued. On December 31, any time over 240 hours will be converted to sick leave.
- At separation, an employee will be paid the balance of their vacation leave up to a maximum of 240 hours.

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An employee earns vacation leave for the month if in pay status for half the employee's work schedule (pay status is when working, on paid leave, holidays, or on workers' compensation leave). Part-time employees earn a prorated amount depending on the time worked.

Up to 240 hours per year may be accrued. On December 31, any time over 240 hours will be converted to sick leave.

At separation, an employee will be paid the balance of their vacation leave up to a maximum of 240 hours. Anything above 240 hours can not be paid. Leave is paid through the nearest tenth of an hour and if an employee is overdrawn on leave, a deduction will be made from their final paycheck.

## Accrual Rates

| Years of Total State Service | Hours Granted Each Month | Hours Granted Each Year | Days Granted Each Year |
|---|---|---|---|
| Less than 5 years | 9 hrs. 20 mins. | 112 | 14 |
| 5 but less than 10 years | 11 hrs. 20 mins | 136 | 17 |
| 10 but less than 15 years | 13 hrs. 20 mins. | 160 | 20 |
| 15 but less than 20 years | 15 hrs. 20 mins. | 184 | 23 |
| 20 years or more | 17 hrs. 20 mins. | 208 | 26 |

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As you can see from this chart, vacation leave earning rates increase with the years of service. As a new hire with less than five years of state service, your vacation earning rate starts at 9.33 hours and progressively increases at the 5, 10, 15, and 20 year mark.

Part-time employees earn a prorated amount depending on the time worked.

## Sick Leave

- 8 Hours earned per month
- Earned after ½ of the workdays in a month are worked.
- Accumulates indefinitely (no maximum)
- Can be used for self or immediate family:
  - Illness or injury
  - Medical Appointments
  - Temporary Disability (i.e. pregnancy)
  - Adoption
  - Death of Family Member
- May require a medical doctor's statement/note
- Unused sick leave at retirement is converted to service time. (20 days = 1 month of state service)
- At separation, the balance is retained for 5 years and is reinstated if the employee returns to State Government within 5 years.

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State employees earn 8 hours of sick leave per month (equals 96 hours annually or 12 days). Like vacation leave, employees must be in pay status for half the employee's work schedule.

Unlike vacation leave, Sick Leave earning rates do not increase over time and there is no maximum amount of sick leave that can be accumulated.

Can be used for self or immediate family:

Illness or injury
Medical Appointments
Temporary Disability (i.e. pregnancy)
Adoption
Death of Family Member

In some cases, management may require a statement from a medical doctor or other acceptable proof that you were unable to work due to personal illness, family illness, or death in the family. Please refer to the chain-of-command at your facility should you have questions as to unit requirements regarding this.

Every 20 days equals one month of state service towards retirement.

Employee's sick leave balances are not paid when an employee separates from State service. If the employee returns to a state agency within 5 years from the date of separation, sick leave can be reinstated. If an employee is overdrawn on leave, a deduction will be made from their final paycheck.

## HOLIDAY LEAVE

- There are 12 paid holidays per year
- Employees on LOA without pay are not eligible for the holiday. EE's must work ½ or more of the scheduled work days in a month to be eligible .
- Employees receive Holiday Premium Pay and equal time off if required to work on a holiday.
- National Guard follows the Federal Holiday Schedule.

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State employees receive 12 paid holidays annually as set by the State Personnel Commission.
**Instructor Note: This is a change from the most recent legislative session. Previously State employees were given 11 or 12 days of Holiday leave depending on what day of the week Christmas fell. This change gave 3 days of holiday leave at Christmas, making the yearly total of Holiday leave 12 days regardless of the day of the week that Christmas is on.**

Employees on LOA without pay are not eligible for the holiday. EE's must work ½ or more of the scheduled work days in a month to be eligible. Employees receive Holiday Premium Pay and equal time off if required to work on a holiday.

DPS has at least two holiday schedules. Most non-shift employees are assigned to a "normal" holiday schedule as assigned by the Office of State Personnel each year. Depending on where the holiday falls within the week, an "alternate" holiday schedule may be issued for shift employees. Both schedules are made available prior to the new year.

Holidays ("Holiday Leave") are automatically granted by the HR Payroll System (Beacon) to eligible employees. Holiday Leave is given to the employee's Holiday Leave Quota ("bucket") 30 days in advance of the holiday. If not used/taken, holiday leave can remain in the Holiday Leave Quota for 30 days after the date of the holiday. Please note that holidays are not earned until the date of the holiday. So, if an employee uses the holiday prior to the actual holiday and then is not in pay status to earn the holiday, there would be an overpayment.

Note: National Guard employees follow a federal holiday schedule. These employees have the 10 federal holidays plus 1 or 2 additional days at Christmas to total the 12 paid holidays approved that year for State employees.

## Compensatory Leave

- Subject to Fair Labor Standards Act (S-FLSAOT)
  - Earn overtime at 1½ times the amount of time worked beyond their designated standard hours.
  - These hours are paid out if not taken as time off under the approved leave hierarchy.
- Not subject to Fair Labor Standards Act (N-FLSAOT)
  - Earn overtime on an hour-for-hour basis for time worked beyond their designated standard hours.
  - These hours will be lost if not taken as time off under the approved leave hierarchy within 365 days from the date the hours are earned.

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Under the State's overtime compensation policy, positions are designated as either subject to Fair Labor Standards Act (S-FLSAOT) or not subject to Fair Labor Standards Act (N-FLSAOT) for overtime based on their position.

S-FLSAOT: Employees designated as S-FLSAOT earn overtime at 1½ times the amount of time worked beyond their designated standard hours. These hours are paid out if not taken as time off under the approved leave hierarchy. To determine the timeframe for payout, consult with your chain-of-command.

N-FLSAOT: Employees designated as N-FLSAOT earn overtime on an hour-for-hour basis for time worked beyond their designated standard hours. These hours will be lost if not taken as time off under the approved leave hierarchy within 365 days from the date the hours are earned.

## Community Service Leave

- Receive 24 hours per year.
- Can be used to volunteer in support of schools, communities, citizens and non-profit organizations.
- Parents may also use the leave for child involvement.
- State employees wishing to mentor or tutor a student may receive one hour per week (up to 36 hours) instead of the 24 hours annually.
- Additional time may be given for Emergency Services, Blood and Bone Marrow Donorship and Disaster Service Volunteer with the American Red Cross.
- Unused leave is forfeited December 31 and is not paid.
- Is transferable between State Agencies.

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**Orientation Manual Page: 20**

State employees are allowed up to 24 hours per calendar year to volunteer in support of schools, communities, citizens and non-profit organizations. Parents may also use the leave for child involvement. State employees wishing to mentor or tutor a student may receive one hour per week (up to 36 hours) instead of the 24 hours annually.

Additional time may be given for Emergency Services, Blood and Bone Marrow Donorship and Disaster Service Volunteer with the American Red Cross.

This policy combined Community Involvement Leave, Child Involvement Leave and Volunteer Participation in June 2000.

Unused leave is forfeited December 31 and is not paid.

This leave is transferable between State Agencies.

## Community Service Literacy, Tutoring, and Mentoring Leave

- 5 Hours per Month (not to exceed 45 hours/year) volunteering in a public school literacy program or
- 1 hour per week (not to exceed 36 hours) in a tutoring or mentoring program in a public or non public school
- This program is in lieu of regular community service leave.

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In lieu of regular Community Service Leave (24 hours), an employee may choose to:
volunteer in a literacy program in a public school for up to 5 hours each month not to exceed 45 hours in a calendar year; or
volunteer in a formal standardized approved tutoring/mentoring program in a public school or a non-public school for one (1) hour of leave for each week, up to a maximum of 36 hours, that schools are in session as documented by the elected board of the local education agency or the governing authority of any charter school or non-public school.

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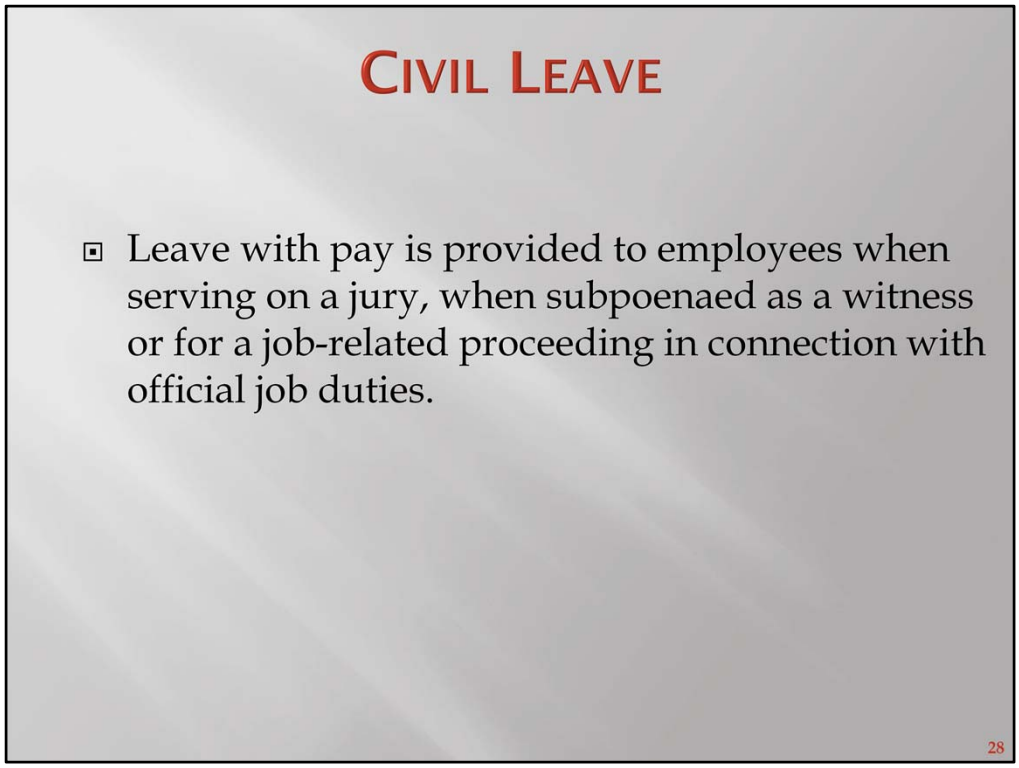
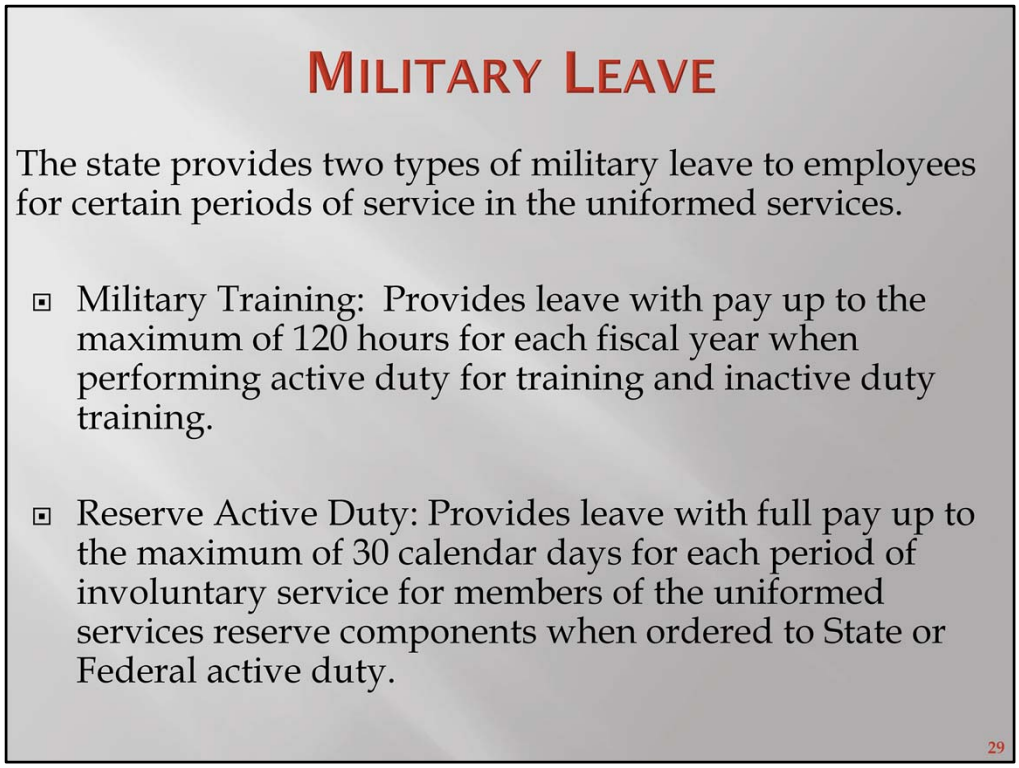
Time may be given for Emergency Services, Blood and Bone Marrow Donorship and Disaster Service Volunteer with the American Red Cross.

It is important to note that this type of leave must be approved in advance.




**Orientation Manual Page: 20**

Leave with pay is provided to employees when serving on a jury, when subpoenaed as a witness or for a job-related proceeding in connection with official job duties.

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The state provides two types of military leave to employees for certain periods of service in the uniformed services.

Military Training: Provides leave with pay up to the maximum of 120 hours for each fiscal year when performing active duty for training and inactive duty training.

Reserve Active Duty: Provides leave with full pay up to the maximum of 30 calendar days for each period of involuntary service for members of the uniformed services reserve components when ordered to State or Federal active duty.

## Adverse Weather

- May be granted when catastrophic, life-threatening weather conditions occur and it becomes necessary for employees to remain out of work.
- Only applies during the period of time in which the National Weather Service has issued active weather warnings for the geographic locations where the employee works and/or resides
- Does not cover child or elder care issues resulting from school/day care center closing decisions that may occur in advance or after adverse weather warnings are issued and expire.
- When taken, it is time that must be made up. Employees have 90 days from the occurrence of AWL to make up the time.
- AWL does not apply to positions defined as emergency personnel.

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Adverse Weather Leave (AWL) may be granted when catastrophic, life-threatening weather conditions occur, as created by hurricanes, tornadoes, or floods, and it becomes necessary for employees to remain out of work. Adverse weather leave options only apply during the period of time in which the National Weather Service has issued active weather warnings for the geographic locations where the employee works and/or resides. Weather watches, advisories and alerts are not sufficient to trigger the application of adverse weather leave.

Additionally, the adverse weather policy does not cover child or elder care issues resulting from school/day care center closing decisions that may occur in advance or after adverse weather warnings are issued and expire. For such situations, vacation leave is the appropriate category to account for such absences, or an employee with insufficient leave balance may request permission to take leave without pay.

If management approves adverse weather make-up time, the supervisor shall be responsible for scheduling make-up time within the same pay period as the adverse weather event, if possible. If make-up time cannot be scheduled within the same pay period, management shall schedule the make-up time within 90 days of the adverse weather absence

AWL does not apply to positions defined as emergency personnel.

## Family Medical Leave Act (FMLA)

- Is a Federal Benefit.
- Employee must have 12 months of service
- Entitles an employee to take 12 weeks (480 hours) of paid or unpaid leave in a 12 month period.
- Can be used for serious health condition of the employee or immediate family member, birth, adoption, etc.
- Requires application and medical documentation
- When returning to work, the employee must return to the same or like position, pay schedule, benefits, etc.
- The Department continues to pay the health insurance premium for the employee only during this time.

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Family Medical leave is a Federal Benefit that allows an employee 12 weeks of paid or unpaid leave to be used for a serious health condition of the employee or their immediate family member.

Employee must have 12 months of service to request FMLA.

Entitles an employee to take 12 weeks (480 hours) of paid or unpaid leave in a 12 month period. The leave can be taken consecutively or intermittently throughout the year.

Can be used for serious health condition of the employee or immediate family member, birth, adoption, etc.
Requires application and medical documentation

When returning to work, the employee must return to the same or like position, pay schedule, benefits, etc.

While out on approved FMLA, the Department continues to pay the health insurance premium for the employee only during this time.

## Family Medical Leave Qualifying Exigency

- The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent.
- FMLA leave for this purpose is called qualifying exigency leave.

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The Family and Medical Leave Act (FMLA) entitles eligible employees to take up to 12 workweeks of unpaid, job-protected leave in a 12-month period for a "qualifying exigency" arising out of the foreign deployment of the employee's spouse, son, daughter, or parent.

FMLA leave for this purpose is called qualifying exigency leave.

## Family Medical Leave Military Caregiver

- The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave to care for a family member who is a current service member or a covered veteran with a serious injury or illness.
- FMLA leave for this purpose is called "military caregiver leave."

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**Orientation Manual Page: 22**

The Family and Medical Leave Act (FMLA) entitles eligible employees to take unpaid, job-protected leave to care for a family member who is a current service member or a covered veteran with a serious injury or illness.

FMLA leave for this purpose is called "military caregiver leave."

## Family Illness Leave

- Is for the employee to provide care for the employee's:
  - Child
  - Spouse
  - Parent

  who has a serious health condition.
- Is NOT for the employee's health condition.
- Up to 52 weeks in a 5 year period (paid or unpaid)
- If on Leave Without Pay during this time, the Department does **not** pay the health insurance premium.

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**Orientation Manual Page: 22**

While similar to Family Medical Leave, it allows an employee up to 52 weeks, paid or unpaid, in a 5 year time period to provide care for an employee's child, spouse, or parent who has a serious health condition.

It is NOT utilized for an employees own health conditions.

If on Leave Without Pay during this time, the Department does not pay the health insurance premium.

## Voluntary Shared Leave (VSL)

- If an employee has prolonged medical absences (20+ days) and has exhausted all leave, s/he may request donations of leave from fellow employees.
- Is a Statewide Benefit (donate/receive between other agencies/universities/school systems)
- Fellow employees can donate vacation, sick (up to 5 days), and bonus leave.
- Can not donate more than half of the annual accrual.
- Minimum donation is 4 hours.

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State employees may donate leave to another employee who has been approved to receive voluntary shared leave.

Voluntary Shared Leave may be used for a medical condition of the employee or of a member of the employee's immediate family.

This is a Statewide Benefit (donate/receive between other agencies/universities/school systems)

Fellow employees can donate vacation, sick (up to 5 days), and bonus leave. An employee cannot donate more than half of the annual accrual.

The minimum amount of sick, vacation and/or bonus leave that may be donated is 4 hours.

The maximum amount of leave a recipient may receive is 1,040 hours. However, management may grant continuation, on a month-to-month basis, to a maximum of 2,080 hours, if management would have otherwise granted leave without pay.

## Leave Quotas

- Employees with a permanent, probationary, trainee, or time-limited appointment can accrue monthly Vacation & Sick Leave.
- Part-time (half-time or more) employees earn a prorated amount based on the percentage of their work schedule.
- Leave accrual will occur in when:
  - An employee is in pay status for 50% of the work days in the month. Pay status includes time worked, holiday leave, approved leave, or any other hours for which the employee is paid;
  - Time has been entered (if ESS, time must be entered, saved, released by employee & approved by supervisor); and
  - Time Evaluation has run.

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**Orientation Manual Page: 22**

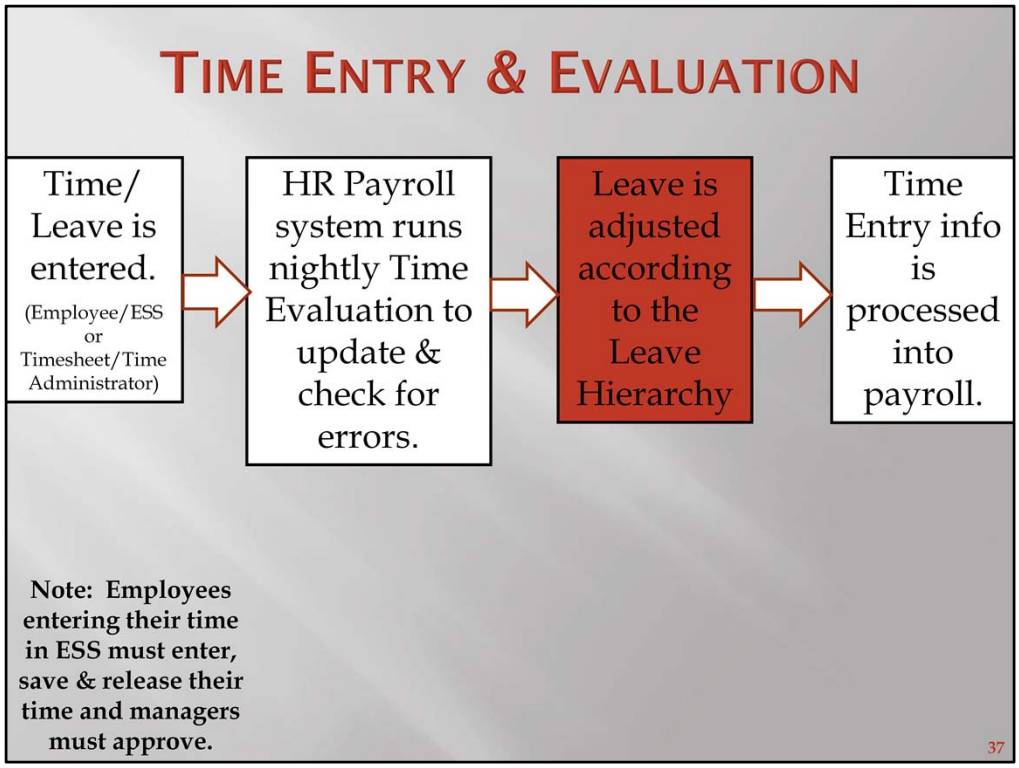
We've now covered all the different types of leave. So now you may be wondering when leave accrues. In other words, when do I actually get my vacation leave or sick leave.

Employees with a permanent, probationary, trainee, or time-limited appointment can accrue monthly Vacation and Sick Leave. Part-time (half-time or more) employees earn a prorated amount based on the percentage of their work schedule.

For leave to accrue, the following must occur:

- An employee must be in pay status for 50% of the work days in the month. Note that pay status includes time worked, holiday leave, approved leave, or any other hours for which the employee is paid;
- Time must be entered (if ESS, entered, saved, released, and approved); and
- Time Evaluation must run.

In most cases, this means that leave accrues around the 15th of the month. Employees will be able to view their Quota Balance s (Leave Balances) online using ESS.




Remember we reviewed this chart earlier that describes how time entry and time evaluation happens. So now that you know how and when leave accrues, let's talk about how your leave balances are managed.

I mentioned that leave is adjusted according to the leave hierarchy. This is very important to understand because you will often enter leave as "Approved Leave" and need to know which of your leave balances that time will be deducted from.

**Orientation Manual Page: 24**

The HR Payroll System deducts leave according to a standard leave hierarchy. There is a hierarchy for "Approved Leave" and for "Sick Leave." The quotas in each hierarchy will be automatically deducted in the order listed.

This means that when a time entry is entered for "Approved Leave," when the system runs the Time Evaluation, the leave quotas are checked in succession until enough quota is found to cover the recorded absence (i.e. The system will first check the Holiday Comp bucket, then Overtime Comp, then On-Call, etc.).

Please note that some employees (Correctional Officers, Lead Correctional Officers, & Correctional Sergeants) will not have an OT comp bucket because payout for their overtime is immediate. In addition, On-Call Comp is not applicable for the same reason (payout is immediate).

The Sick Leave Hierarchy consists of Sick Leave, Voluntary Shared Leave, and Advanced Sick Leave.

This concludes the information on leave. Are there any questions before we move on?

## LONGEVITY

| YEARS OF TOTAL STATE SERVICE | LONGEVITY PAY RATE |
|---|---|
| 10 but less than 15 years | 1.5% |
| 15 but less than 20 years | 2.25% |
| 20 but less than 25 years | 3.25% |
| 25 or more years | 4.5% |

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**Orientation Manual Page: 24**

Longevity Pay recognizes long-term service of employees who have worked at least 10 years with State government. The employee must have a full-time or part-time (20 hours a week or more) permanent, probationary, trainee, or time-limited appointment. Periods of leave without pay in excess of one-half the workdays and holidays in a pay period will delay the longevity date (except for Workers' Compensation Leave).

The employee receives a lump sum payment each year on their anniversary date based on a percentage of their salary ranging from 1.5% to 4.5%, as the percentage increases with every 5 years of state service.

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The Department of the State Treasurer administers a number of programs and provides related services to state employee's. The programs and services include: Retirement; Supplemental Plans 401K and 457; State Health Plan; Disability Income Plan and Death Benefits.

You may access the state treasurer's website at www.nctreasurer.com

## RETIREMENT

- Must be a full time employee working at least 30 hours per week for 9 months of the year to be eligible for retirement benefits.
- 6% of your salary is automatically deducted pre-tax
- Vested rights after 10 years of membership service
- Special Service Rules (purchase time)
- Transfer between systems
- Refund of Contributions

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**Orientation Manual Page: 24**

All permanent employees of the State that work at least (30) hours per week for (9) months per year are eligible for retirement benefits. Employees pay 6% into a retirement account under the Teacher's & State Employee's Retirement System (TSERS) which is automatically deducted from the paycheck each month.

Employees become vested in the Retirement System after completing a minimum of five years of membership service (10 years if becoming a member on or after August 1, 2011).

It is possible to purchase creditable service time towards retirement and Retirement transfers throughout the Teachers, University, and Government system.

If you leave the System for any reason other than retirement or death, you can either:

- Receive a refund of your contributions (plus interest, if you have at least 5 years of service as a contributing member or 10 years of service if hired after 8/1/2011) or
- Leave your contributions in the System and keep all the creditable service you earned to that date.

*(NOTE: You are entitled to a benefit <u>at a later date</u> if you leave after you have completed 5 years of membership service (10 years if hired on or after 8/1/2011), provided you do not withdraw your contributions).*

If you leave the System before you have 5 years (10 years if hired on or after 8/1/2011) of membership service, the only payment you can receive is a refund of your contributions. If contributions are withdrawn, creditable service may be restored by making a lump sum payment. To be eligible to buy back creditable service an employee must be rehired and contribute to this System for 5 years.

## Eligibility for Service Retirement Unreduced Benefits

- 30 years of creditable service at any age
- Age 65 with 10 years (5 years if you became a member on before August 1, 2011) of membership service
- Age 60 with 25 years of creditable service
- Law Enforcement Officers (LEO) qualify at age 55 with 10 years (5 years if you became a member before August 1, 2011) of creditable service as an officer

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**Orientation Manual Page: 24**

The amount of your retirement benefit is affected by when you retire. For instance, to obtain your full, **unreduced** retirement benefits you must be one of the following:

- Reaching age 65 and completing five years of membership service (10 years if becoming a member on or after August 1, 2011)
- Reaching age 60 and completing 25 years of creditable service
- Completing 30 years of creditable service at any age

Note: Law Enforcement Officers (LEO) qualify at age 55 with 5 years (10 years if you became a member before August 1, 2011) of creditable service as an officer

## Eligibility for Early Retirement Reduced Benefit

- Age 60 with 5 years (10 years if you became a member on or after August 1, 2011) of membership service
- Age 50 with 20 years of creditable service
- Law Enforcement Officers (LEO) qualify at age 50 with 15 years of creditable service as an officer

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**Orientation Manual Page: 24**

If you opt to take an early retirement, you can still receive a benefit, however, it will be reduced. To be eligible for reduced benefits, you must be one of the following:
Reaching age 50 and completing 20 years of creditable service
Reaching age 60 and completing five years of membership service (10 years if becoming a member on or after August 1, 2011)

If you choose to leave state service before qualifying for reduced/unreduced retirement, you may be eligible for one of the following:

Less than 10 years (5 years if hired prior to 8/1/2011) = Only your contributions to the retirement system

10 years or more (5 years if hired prior to 8/1/2011) – Your contributions plus interest earned.

If you leave state service, you have the option to leave your contributions and keep all the creditable service that you have earned up to the date of separations. Should you return, your creditable service will be maintained.

# ORBIT

- Access from www.myncretirement.com
- Active employees
  - Retirement estimates
  - Service purchase cost estimates
  - NC 401(k)/457 Transfer Benefit estimates
  - Annual benefit statements
- Retirees
  - View account information
  - Maintain tax withholdings
  - View 1099-R
  - Generate income verification letters

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**Orientation Manual Page: 26**

Your retirement information can be viewed at any time through the NC Department of the State Treasurer's ORBIT site (Online Retirement Benefit through Integrated Technology).

You will first have to create an account. This online tool provides you with full, secure access to your personal retirement account information 24 hours a day. In ORBIT, you can view your account summary, view your annual benefits summary, estimate your benefits, and create an estimate for purchasing years of service.

**Orientation Manual Page: 27**

The State offers supplemental savings plans to provide a way for employees to save money and supplement the State's retirement benefits by making contributions through payroll deduction. These plans are administered by Prudential and include:

401(K), AND DEFERRED COMP (457) SAVINGS PLANS

Both plans offer tax-deferred or Roth (after tax) investment programs.

You should have received material on these plans and there is information in your orientation manual on the differences in these supplemental retirement plans.

## Short Term Disability

- Program administered by the NC Treasurer's Office.
- While temporarily or permanently disabled, provides a portion of an employees salary for a maximum of 1 year.
- Application and medical documentation required.
- If approved, receive 50% of salary.
- 60 Day Waiting Period (paid or unpaid)
- If the disabling condition exceeds 1 year, long term disability may apply.

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Employees who become temporarily or permanently disabled and are unable to perform their regular work duties may be eligible to receive partial replacement income through the Disability Income Plan of North Carolina.

In order to qualify for short-term disability benefits, an employee must be in permanent status and work at least 30 hours per week for nine months of the year and participate as a member of the retirement system for at least one year during the 36 months preceding the disability.

Eligible employees may receive a monthly short-term benefit equal to 50% of their monthly salary, plus 50% of their annual longevity. Monthly benefits during the short-term period cannot exceed $3,000. This monthly benefit is reduced by any workers' compensation or Veteran's Affairs benefit received for the same disability.

Short-term benefits are available for up to 1 year and may be extended for up to 1 additional year if the disability is temporary and likely to end within that additional year.

Additional information can be found on The Office of the NC State Treasurer's website at www.nctreasurer.com.

## Long Term Disability

- Program administered by the NC Treasurer's Office.
- May be payable after the conclusion of Short-term disability.
- Must have 5 years of Services with the Retirement System.
- Pays 65% of salary.

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**Orientation Manual Page: 30**

Long-term benefits may be payable after the conclusion of the short-term disability period.
In order to qualify for long-term disability benefits, an employee must have at least five years of membership service with the Retirement System during the 96 months preceding the conclusion of the short-term disability period.

During the first three years of long-term disability, eligible employees may receive a monthly long-term benefit equal to 65% of monthly salary, plus 65% of annual longevity pay.

## Death Benefit

- Death Benefit for Beneficiary
  - lump sum payment of highest 12 consecutive months of salary during the 24 months immediately preceding death
- Minimum = $25,000
- Maximum = $50,000

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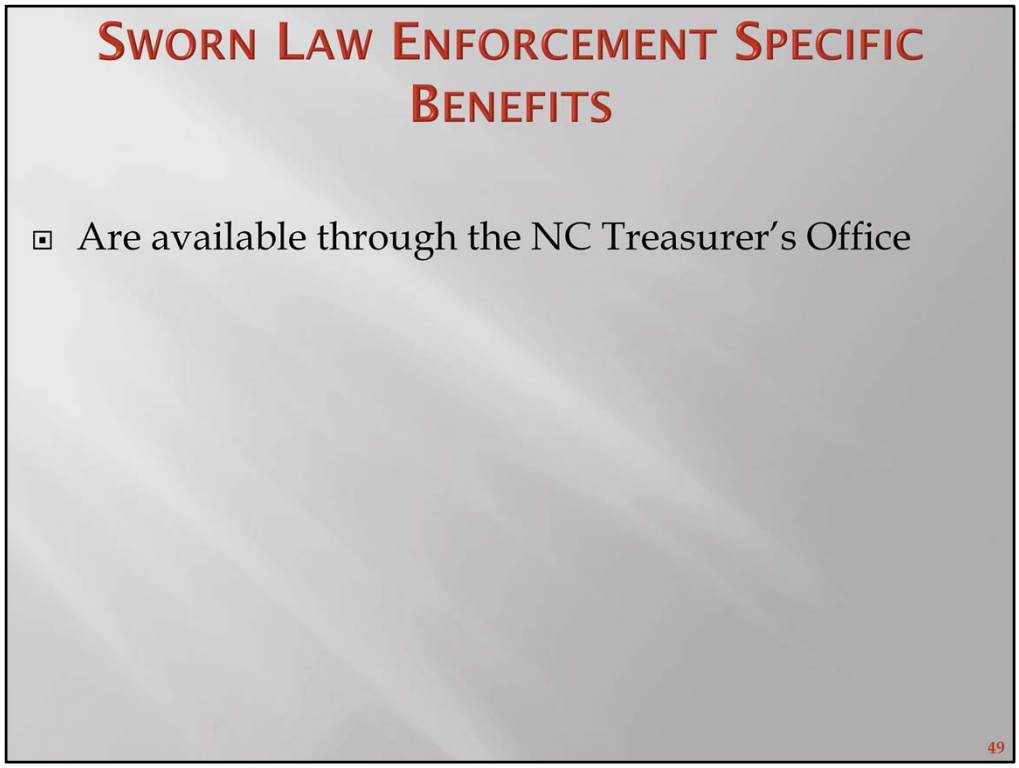
**Orientation Manual Page: 30**

Should you die while in active service (i.e. receiving a paid salary) after one year as a contributing member, your beneficiary will receive a single lump sum payment.

This is calculated by taking your highest 12 months' salary in a row during the 24 months before you die (as much as $25,000 but not more than $50,000). This is paid to your beneficiary.

It should be noted that this benefit is also paid if you die within 180 days of the last day you were paid a salary.




**Orientation Manual Page: 30**

Sworn Law Enforcement has additional separate benefits that are in addition to those afforded to all State Employees. Those benefits are administered through the NC Treasurer's Office. A detailed explanation of those are located here:

https://www.nctreasurer.com/ret/Benefits%20Handbooks/2013TSERS_LEOhandbook.pdf

**Orientation Manual Page: 31**

The State of North Carolina provides health care benefits to teachers, employees, retirees, and their eligible dependents according to the provisions and limitations of North Carolina General Statutes.

Health Insurance is offered to every permanent employee that is working at least (30) hours per week.

The following Health Care Plan options are available as Preferred Provider Organization (PPO) Options:
1. Enhanced (80/20)
2. Consumer Directed Health Plan
3. Traditional (70/30)

You must enroll within 30 days of hire date or you must wait until the next open enrollment period.

Coverage is effective the first day of month following hire date.

All premiums are deducted a month in advance.

## Eligible Dependents

- Legal Spouse;
- Unmarried children under age 26
- An unmarried child who is physically or mentally incapacitated
- Please note that an individual cannot be enrolled as a dependent under the Plan if he or she is enrolled as an employee.
- A dependent cannot be enrolled under two Plan contracts at the same time.

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**Orientation Manual Page: 31**

Eligible dependents include:

- Legal Spouse;
- Unmarried children under age 26 including natural, legally adopted, foster children, children for whom the employee is court-ordered guardian and stepchildren of the employee, as long as the employee is legally responsible for such child's maintenance and support;
- An unmarried child who is physically or mentally incapacitated, to the extent that he or she is incapable of earning a living, and such handicap developed or began to develop before the dependent's 26th birthday.

Please note that an individual cannot be enrolled as a dependent under the Plan if he or she is enrolled as an employee. In addition, a dependent cannot be enrolled under two Plan contracts at the same time.

# PPO Plan Comparison

| Wellness Activities | | All Three | Two Activities Completed | | | One Activity Completed | | | None |
|---|---|---|---|---|---|---|---|---|---|
| Smoking Attestation | | X | X | X | | X | | | |
| PCP Selection | | X | X | | X | | X | | |
| Health Assessment | | X | | X | X | | | X | |
| Plan Options | Employer Share | Employee / Retiree Share | | | | | | | |
| Enhanced 80/20 | $448.12 | $13.56 | $28.56 | $28.56 | $33.56 | $43.56 | $48.56 | $48.56 | $63.56 |
| Consumer Directed | $448.12 | $0.00 | $10.00 | $10.00 | $20.00 | $20.00 | $30.00 | $30.00 | $40.00 |
| Traditional 70/30 | $448.12 | $0.00 | | | | | | | |

**Dependent Premiums**

| Dependent Group | Enhanced 80/20 | Consumer Directed | Traditional 70/30 |
|---|---|---|---|
| Employee + Child(ren) | $272.80 | $184.60 | $205.12 |
| Employee + Spouse | $628.54 | $457.68 | $528.52 |
| Employee + Family | $666.38 | $506.64 | $562.94 |

Total Employee Contribution = Active Employee Share + Dependent Premium

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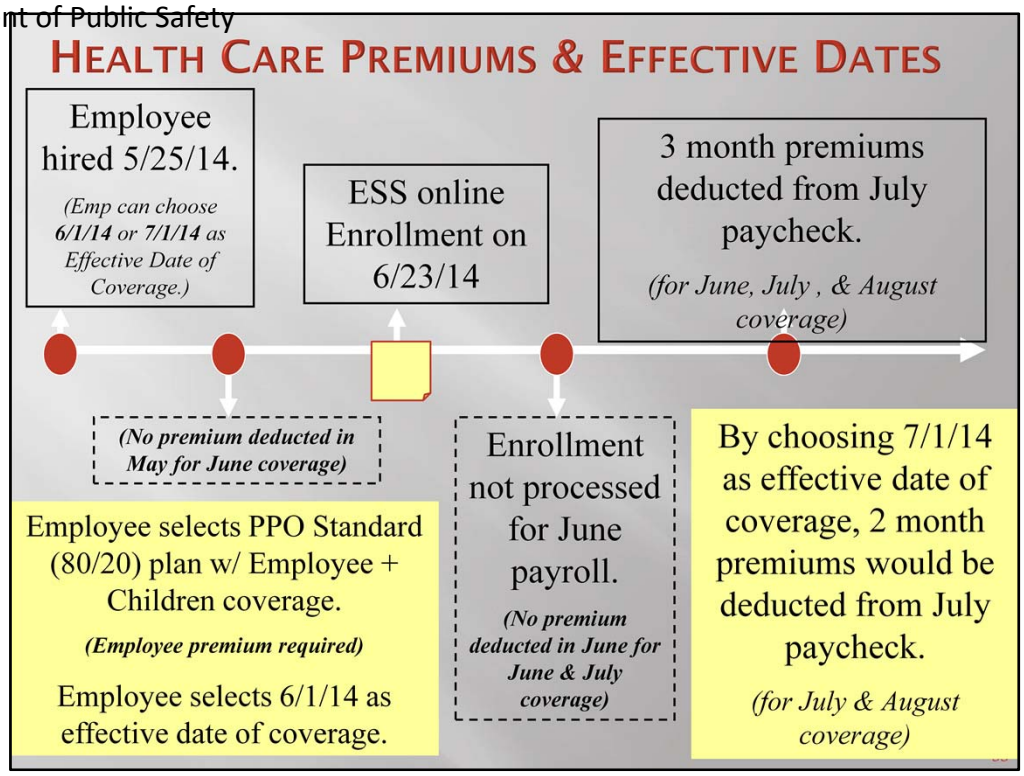
**Orientation Manual Page: 31**

The following Health Care Plan options are available as Preferred Provider Organization (PPO) Options:
1. Enhanced (80/20)
2. Consumer Directed Health Plan
3. Traditional (70/30)

As you can see in this chart, with the Enhanced 80/20 and the Consumer Directed Health Plan, the employee's premium can be reduced by completing wellness activities. This chart shows the changes in premium if all three, two, one, or none of the Wellness Activities are completed. For example, if I select the Enhanced 80/20 Plan, if I complete none of the Wellness activities, my monthly premium would be $63.56. If I complete the Health Assessment, my premium goes down to $48.56. If I complete the Health Assessment and select a Primary Care Physician (PCP), my premium goes down to $33.56. If I do all 3 Wellness Activities, I reduce my premium to $13.56.




The plan that you choose, the effective date of coverage you choose and when the enrollment is received and processed could impact your paycheck. If you select 70/30 EE Only Basic, there is no monthly premium and no monthly deduction. However, if you select a plan that requires a monthly premium, you could have multiple deductions from your check. In this example, the employee is selecting a health plan that will require a monthly premium to be paid. The employee was hired on 5/25/14. Based on this hire date, the employee can choose an effective date of coverage of 6/1/14 or 7/1/14. The employee selects the PPO Standard (80/20) plan with Employee + Children coverage (premium is required). The employee selects 6/1/14 as the effective date of coverage. The ESS enrollment was processed by BEST on 06/23/14. The employee has 30 days from their date of hire (6/25/2014) to complete their online enrollment.

Keep in mind that health insurance premiums are taken a month in advance for the following month's coverage. Because of the hire date as well as the fact that the enrollment was not processed by BEST until 6/23, no health insurance premium is deducted in June for June or July coverage. (Note: It is unlikely that the employee would even be receiving a paycheck in May due to the hire date being at the end of the month). Because the enrollment was received so late in the month, BEST was unable to process the enrollment for the June payroll. As a result, no health insurance premium was deducted in the June paycheck for June and July coverage. Because of this, 3 months of premiums will be deducted from the employee's July paycheck to cover June, July, and August coverage. For the PPO Standard plan with Employee + Children coverage, that would mean $815.40 would be deducted from the employee's July paycheck ($271.80 x 3 months).

In this example, if the employee had chosen a 7/1/14 effective date, only 2 months premiums would be deducted from July paycheck for July and August coverage. This example illustrates how the effective date of coverage can impact premium deductions from your paycheck. You will need to choose the effective date that best meets your needs, just be aware of how that effective date of coverage may impact your pay.

**Orientation Manual Page: 32**

The NCFlex Program provides a variety of pre-tax plans available to state agency, university, and select community college employees. Employees are eligible to participate in NCFlex if they are a state agency or university employee working 20 or more hours per week in a permanent, probationary, or time-limited position.

These are the current NC Flex benefits available to all state employees:

- Health Care Flexible Spending Account
- Dependent Day Care Flexible Spending Account
- Dental Plan
- Vision Care Plan
- Critical Illness
- Cancer Insurance
- Voluntary Accidental Death & Dismemberment
- Core AD&D
- Voluntary Group Term Life

You will enroll in the NC Flex Benefits through the ESS. You should have received a book detailing all of these NC Flex option and there is information in your Orientation Manual on each of these.

## WHY PARTICIPATE?

- You can save about 25 - 40% or more on most NCFlex benefits because your contributions are made on a pre-tax basis.
- Participating in Flex is convenient since all benefits are payroll deducted (before taxes are withheld).
- The choice to participate is yours. You can sign up for any or all of the plans offered. Each year you can then decide if you want to continue your participation.

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Here are some reasons why you should take advantage of the NCFlex programs.

Firstly, you can save about 25-40% or more on most NCFlex benefits because your contributions are made on a pre-tax basis. The amount you save depends on your tax bracket.

Secondly, participating in Flex is convenient since all benefits are payroll deducted.

Finally, it is important to remember that it is up to you whether or not you want to participate in NCFlex. You can sign up for any or all of the programs offered and, each year you will be given the opportunity to decide whether or not to continue your participation.

Because of the federal laws regarding pre-tax benefits, you can not change or stop your participation during the year unless you have a Qualifying Life Event. Qualifying Life Events are identified in your Flex booklets.

## Effective Dates of Coverage

- Annual Enrollment held each year in October
- Benefit elections effective January 1 of following year
- New Hires – 30 days to enroll from date of hire
- Life Events – 30 days to make a status change from date of the life event

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**Orientation Manual Page: 32**

You have 30 days from the date of hire to enroll in the NCFlex programs. Employees can enroll in NCFlex online using ESS.

If you do not enroll at the time of hire, you will have the opportunity to enroll each year during annual enrollment which is usually in the fall.

Unlike health insurance, you do **not** have a choice for effective date of coverage. NCFlex benefits will be effective the 1st of the month following the date of hire. For example, if an employee is hired on 4/5/14, their Flex benefits would be effective 5/1/14.

Unlike health insurance where you pay a month in advance for the next month's coverage, NCFlex premium deductions pay for the current month's coverage. This means that NCFlex premiums deducted from April paycheck pays for NCFlex coverage for April.

## Reimbursement Process

**OPTION 1: SUBMIT THE FORM**

- Complete the FSA Claim Form (available at www.ncflex.org).
- Attach copies of required documentation.
- Mail or fax your FSA Claim Form (and attachments) to HCFSA Claims.
- Reimbursements are usually processed within one week and are directly deposited into the same bank account that your paycheck is deposited.

**OPTION 2: CONVENIENCE CARD**

- Allows you to pay a provider/ vendor directly from your HCFSA at the point of purchase for eligible health care expenses.
- Card reimburses up to your annual election.
- Submit receipt documentation & Claim Form EXCEPT when transaction equals a copayment amount from your prescription, medical, dental, or vision plan.

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**Orientation Manual Page: 32**

When you join NCFlex, Reimbursement forms should be sent to you. If you do not receive them, you can refer to your Benefits Representative or download the form from www.ncflex.org .

You have two options for reimbursement. Option One is to complete the FSA Claim Form and submit the FSA Form along with the required documentation to Aon Consulting. Reimbursements are usually processed within one week and are directly deposited into the same bank account that your paycheck is deposited.

Option Two is to use the NCFlex Convenience Card. The Convenience Card allows you to pay a provider/vendor directly from your HCFSA at the point of purchase for eligible health care expenses. The card reimburses up to your annual election. You will still need to submit receipt documentation and a FSA Claim Form EXCEPT when the transaction equals a copayment amount from your prescription, medical, dental, or vision plan. There is no longer a fee for the convenience card option.

## Qualifying Life Events

**If at any time during your Plan Year, any of the following events occur, you can change your Health Insurance, Dental Insurance &/or NCFlex coverage**

- Marriage
- You or spouse change from pt/full time
- Divorce or Legal Separation
- You or spouse take unpaid leave of absence
- Death of a Spouse or Dependent
- Spouse becomes employed/unemployed
- Dependent loses eligibility
- Birth / Adoption of Child
- Incapacitated Adult becomes your Dependent
- Other changes s permitted by IRS & State

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If at any time during your Plan year, any of these events occur (marriage, divorce, death, etc.), you can change your Health Insurance, Dental Insurance, and NCFlex coverage.

Your change in elections must be consistent with your status change.

When a qualifying life event occurs and you want to make changes to your benefits based on that event, contact your Benefits Rep immediately. Please keep in mind that documentation may be required.

The Benefit Rep will create a “Benefits Adjustment” reason in The HR Payroll System. Once that adjustment reason has been created, employees will be able to go online and make changes to their benefits using ESS.

Changes must be made online within 30 days of the Qualifying Life Event

## Agency Specific Insurance

- In addition to the state-sponsored insurance programs, DPS can approve and make available other insurance options for DPS employees. These insurance programs are approved through the DPS Insurance Committee and are administered through private insurance agencies/brokers.
- The supplemental agency-specific plans are NOT part of N.C. State Government and, therefore, are NOT transferable if you leave DPS and transfer to another State Agency.
- Current Options:
  - MetLife Dental
    The MetLife dental insurance is comparable to the NC Flex high option dental plan.

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**Orientation Manual Page: 36**

In addition to the state-sponsored insurance programs, the Department of Public Safety can approve and make available other insurance options for DPS employees. These insurance programs are approved through the DPS Insurance Committee and are administered through private insurance agencies/brokers.

The supplemental agency-specific plans are NOT part of N.C. State Government and, therefore, are NOT transferable if you leave DPS and transfer to another State Agency.

The following supplemental insurance is available for DPS employees:

MetLife Dental - The MetLife dental insurance is comparable to the NC Flex high option dental plan.
Monthly payroll deductions for MetLife are made after taxes have been taken out, while the NCFlex Dental Plans have monthly payroll deductions taken out PRIOR to taxes.
MetLife is a post-tax dental plan which means that monthly premiums are deducted after taxes.

## NC HEALTHSMART

- NC Health*Smart* is an initiative by the State Health Plan to provide employees with resources and information to be as healthy as you can be.
- Please visit the NC Health*Smart* Wellness Programs link on the **www.shpnc.org** website to view a wealth of resources that can help you reach your health and wellness goals.

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**Orientation Manual Page: 37**

NC Health*Smart* is an initiative by the State Health Plan to provide employees with resources and information to be as healthy as you can be. We encourage you to visit the NC Health*Smart* Wellness Programs link on the State Health Plan website to view a wealth of resources that can help you reach your health and wellness goals.

## Affordable Care Act

- Offers individuals to buy private health insurance through a 'Health Insurance Marketplace'.
- This allows you to find private health insurance options to compare with the State's health coverage
- In purchasing private insurance thru the Exchange, you may be eligible for a tax credit, which may result in a lower premium.
- Please be aware that if you purchase a private health plan through the Exchange, you may lose your employer contribution to the health benefit plan offered by the State.

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**Orientation Manual Page: 38**

The ACA offers individuals to buy private health insurance through a 'Health Insurance Marketplace', also referred to as 'The Exchange'. This allows you to find private health insurance options to compare with the State's health coverage; to ensure the health coverage you choose meets your needs and fits your budget. In purchasing private insurance thru the Exchange, you may be eligible for a tax credit, which may result in a lower premium. However, please be aware that if you purchase a private health plan through the Exchange, you may lose your employer contribution to the health benefit plan offered by the State.

Please remember, purchasing private health insurance through the Exchange is not mandatory. It is totally up to you to choose insurance through your employer or a private company within the Exchange. But, as your employer, North Caroline Department of Public Safety has an obligation to inform you of your options for health care.

## Workers Compensation

- Provides medical benefits, compensation for lost time from work and compensation for any permanent or permanent partial disability that results from a compensable job related injury.
- All claims are handled by CorVel, a third party administrator.
- CorVel decides whether a claim is compensable

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**Orientation Manual Page: 38**

The purpose of the Workers' Compensation Act is to provide medical benefits, compensation for lost time from work and compensation for any permanent or permanent partial disability that results from a compensable job related injury. The North Carolina Department of Public Safety is self-insured for the purpose of administering the Workers' Compensation Act. Workers' compensation expenses are paid from the department's current operating budget. All workers' compensation claims are handled by a third party administrator (TPA). The TPA is CorVel. Employees can contact the Human Resources Workers' Compensation office or CorVel with questions regarding their workers' compensation benefits. CorVel decides whether a claim is compensable under the workers' compensation laws.

## WORKERS COMPENSATION

- Employee Responsibilities:
  - Immediately report any injury/illness by notifying the supervisor or work location designee when an on the job injury/illness occurs.
  - Provide written notice to the work location that an injury/illness occurred by completing the DPS WC-EE Form.
  - Accept medical treatment by a medical provider approved by the employer/CorVel to treat the injury. Obtain and provide a Medical Authorization Form for the treating physician to complete.
  - Follow the prescribed treatment to affect a cure for the injury (NOTE: Refusal may bar the employee from further compensation until such refusal is resolved).
  - Provide supervisor with any medical restrictions (NOTE: Refusal to comply with work restrictions may bar the employee from further compensation.)
  - Employees without restrictions shall return to the regular work schedule).
  - Provide supervisor with an out of work medical note. The supervisor will forward a copy of the medical note to the Workers' Compensation office.
  - Maintain contact with supervisor weekly while out of work.

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**Orientation Manual Page: 38**

Employee Responsibilities

- Immediately report any injury/illness by notifying the supervisor or work location designee when an on the job injury/illness occurs.
- Provide written notice to the work location that an injury/illness occurred by completing the DPS WC-EE Form.
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- Employees without restrictions shall return to the regular work schedule).
- Provide supervisor with an out of work medical note. The supervisor will forward a copy of the medical note to the Workers' Compensation office.
- Maintain contact with supervisor weekly while out of work.

## Employee Assistance Program

- The EAP Program is a contracted service with McLaughlin Young
- The provide referrals and assistance on many issues:
  - Personal Counseling
  - Personal Health/Wellness
  - Work/Life Services
  - Elder Care Issues
- There is no fee for the services provided by the EAP.

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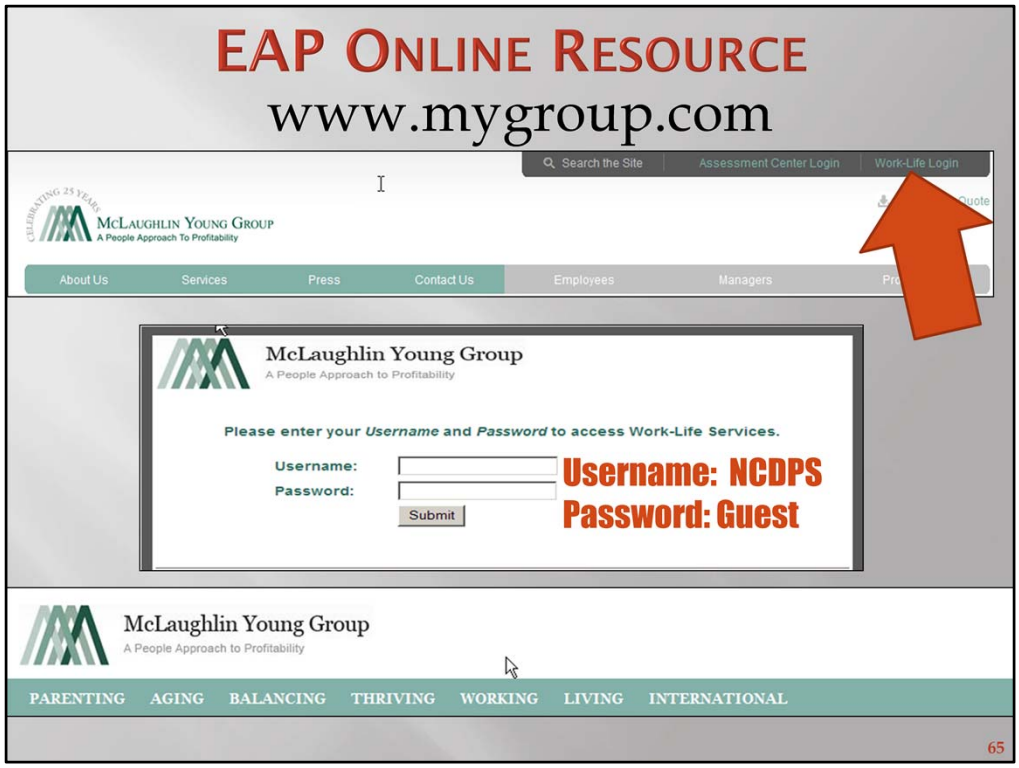
**Orientation Manual Page: 41**

The Department of Public Safety provides an Employee Assistance Program as a benefit to assist employees who may be experiencing personal problems.

The program seeks to maintain and restore individual health and well-being, improve productivity and retain valued and experienced employees. The EAP is sponsored and maintained by DPS Human Resources. McLaughlin Young Group EAP Services provides the contract services.

There is no fee for the services provided by the EAP. However, any cost associated with recommended treatment with a professional resource is the employee's responsibility The Employee Assistance Program includes free and confidential assessments and referrals for you and your family members. The EAP provides assistance and resources to help you deal with a wide variety of difficulties. Trained Care Coordinators are ready to help you solve your problems so that you can maintain a sense of well-being and workplace productivity.




**Orientation Manual Page: 41**

McLaughlin Young provides an excellent online resource entitled Work Life. By going to the McLauglin Young Website, www.mygroup.com,
Click on Work-Life Login on the top right corner.

The login is **NCDPS**
The password is **Guest**

Once you have logged in, you have a vast amount of resources including articles, online seminars, to skill builders on a variety of topics from relationships, to parenting, to legal services, to financial planning, to workplace diversity, and finding balance. It's an excellent resource that is free and at your fingertips. I encourage you to take advantage of it.

Instructor Note: In the event that an employee asks if their use of this online resource is tracked: the login information is **agency** specific, not by location or employee. So specific employee usage is not tracked but rather agency wide usage.

## WE CARE

- WE CARE is a new initiative created by DPS to address employees' overall wellness.
- WE CARE stands for Wellness Education Committed to Assisting and Reaching our Employees and is supported by the NCDPS Employee Wellness and Resilience Committee.
- The purpose of the WE CARE initiative is to provide all DPS Employees with positive reinforcements through multiple avenues and to support them when they are faced with adverse situations.
- We Care Programs include:
  - QPR Gatekeeper Suicide Prevention Training Program
  - Corrections Fatigue to Fulfillment Training Program

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**Orientation Manual Page: 41**

WE CARE is an initiative created by the North Carolina Department of Public Safety to address employees' overall wellness. WE CARE stands for Wellness Education Committed to Assisting and Reaching our Employees and is supported by the NCDPS Employee Wellness and Resilience Committee. The purpose of the WE CARE initiative is to provide all DPS Employees with positive reinforcements through multiple avenues and to support them when they are faced with adverse situations. This mission of supporting all DPS Employees through adverse situations reinforces that WE CARE for the whole person, physically, mentally and emotionally by providing opportunities to address issues that may influence the overall job performance, career development, and well-being of all DPS Employees.

## Veterans Earn and Learn

- Veterans have the opportunity to "EARN and LEARN" in a Registered Apprenticeship while receiving GI Bill™ education benefits?
- DPS is working together with the Department of Commerce and NC Works/apprenticeship to make GI Bill™ approval for registered apprenticeship programs a seamless process.
- Registered Apprenticeship programs are qualified to be "Approved for GI Bill™"
- Visit the website for more information.

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**Orientation Manual Page: 42**

Veterans have the opportunity to "EARN and LEARN" in a Registered Apprenticeship while receiving GI Bill™ education benefits? We want to help put Veterans in the driver's seat when it comes to using their education benefits. We want them to be the most informed consumers … That is why we are working together with the Department of Commerce and NC Works/apprenticeship to make GI Bill™ approval for registered apprenticeship programs a seamless process. Registered Apprenticeship programs are qualified to be "Approved for GI Bill™". Upon registration of a position with the Department of Commerce and NC Works/apprenticeship, the company is provided the paperwork necessary to allow Veterans to receive a monthly stipend in addition to their wages. Visit the website above for more information.

**Orientation Manual Page: 43**

Now that we have reviewed the organizational structure and benefits, let's delve in to policies, procedures, and benefits that apply to all employees in DPS.

We'll start with Employment Policies.

As we review these policies, please keep in mind that your Division and or Unit/Facility may have additional policies, procedures, or stipulations. Therefore it is important to refer to your supervisor or appropriate manager at your facility if you have any questions.

**Orientation Manual Page: 43**
All positions are designated as either exempt or non-exempt. This designation refers to whether or not someone is exempt from the requirements, benefits, and protections of the State Personnel Act (G.S. 126). Exempt positions are those positions that are filled at the discretion of the Agency Head or Governor and they work at the pleasure of the Governor or Agency Head. Employees in these positions do not have the protection of the State Personnel Act. These positions are generally positions of management or policy making.

All other positions are non-exempt and have the protections and benefits afforded by the State Personnel Act. For example, the State Personnel Act requires that vacant non-exempt positions be posted for a minimum of 5 days. This is not true for exempt positions. An employee entering into State service in a permanent or time-limited permanent position is given either a probationary or trainee appointment which is intended to serve as an extension of the selection process. It provides time for the effective adjustment of the new employee or elimination of the employee whose performance does not meet acceptable standards.

**New Appointment**
A new appointment is the initial employment of an individual to a position or the reemployment of an individual who is either not eligible for reinstatement or is not offered reinstatement. An employee entering into State service in a permanent or time-limited permanent position shall be given a Probationary or Trainee appointment. The probationary and trainee periods are intended to serve as an extension of the selection process and are used to determine whether the person will be able to meet acceptable performance and/or personal conduct standards. If the employee in probationary or trainee status does

not meet performance or personal conduct standards, the employee will be separated.

**Probationary Status**
Most position classifications within the Department (excluding those hired in trainee status) require new hires to be placed in Probationary Status. Effective, August 21, 2013 employees hired in positions requiring Probationary Status must serve a probationary period of 24 months from the date of hire. Credit is given for each month in which employees are in pay status for one-half or more of the workdays and holidays. (This probationary period is not the same as and should not be confused with the probationary certification prescribed for criminal justice officers).

**Trainee Status**
Employees hired in position classifications requiring trainee progressions (such as Correctional Officers, Correctional Food Service Officers, & Probation/Parole Officers, etc.) do not have all of the necessary knowledge, skills, and abilities to meet the minimum qualifications of the position. A trainee progression is established for the employee to obtain the necessary qualifications. Employees in trainee progressions must remain in trainee status until the completion of the trainee progression. The minimum requirement for a trainee appointment is outlined in the class specification for the regular classification

**Permanent Appointment**
An employee shall be given a permanent appointment when:

1. The requirements of the probationary period have been satisfied or when the employee with a trainee appointment has satisfactorily completed all training and experience required for the position classification and,
2. All credentials have been verified.

**Career Banding**
Career-banding is a system in which similar kinds of work are identified and organized into broad classes of jobs (banded classes). Wider pay ranges and career paths are based on these broader classes. Pay movement is based on the development and demonstration of competencies - knowledge, skills, and abilities - needed to perform the work. Among the consolidated agencies, positions within the Information Technology, Law Enforcement and Public Safety, Accounting, Medical, Engineering, Architecture, Legal, Library, and Social Research classifications utilize career banding. All other positions are part of the Pay Grade System.

## Merit Based Hiring and Selection

Ensures that positions subject to the State Personnel Act (G.S. 126) are filled with individuals from among the most qualified as determined by job related criteria and in the judgment of unbiased, objective human resource professionals.

The recruitment and selection processes will

- be consistently applied
- be nondiscriminatory
- promote fairness, diversity, and integrity.
- comply with all Federal and State laws, regulations, and policies.

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**Orientation Manual Page: 44**

The Secretary of the Department of Public Safety accepts the responsibility for ensuring that the recruitment and selection process complies with all applicable and existing state and federal laws. That is done through the Merit Based Hiring and Selection policy.

This policy ensures that positions subject to the State Personnel Act (G.S. 126) are filled with individuals from among the most qualified as determined by job related criteria and in the judgment of unbiased, objective human resource professionals.

This policy requires that all recruitment and selection processes will

- be consistently applied
- be nondiscriminatory
- promote fairness, diversity, and integrity.
- comply with all Federal and State laws, regulations, and policies.

If an applicant has reason to believe they were denied employment due to political affiliation or influence, the applicant may appeal the hiring decision. That process is outlined in your manual on pages 41 and 42

## EQUAL EMPLOYMENT OPPORTUNITY

- Is a protected right to work in a workplace that is free from discrimination.
- It is the right of ALL persons to be treated fair, equitable and to have unrestricted access to all the terms and conditions of employment.
- Is protected under numerous laws:
  - Title VII of Civil Rights Act of 1964;
  - Federal Executive Order 11246;
  - The Equal Pay Act of 1963;
  - The Age Discrimination in Employment Act of 1967 (ADEA);
  - Title V of the Rehabilitation Act of 1973;
  - The Veterans Preference Act;
  - Governor's Executive Order #14;
  - The Family and Medical Leave Act of 1993 (FMLA);
  - The Americans with Disabilities Act of 1990
  - The Americans with Disabilities Act Amendments Act of 2008 (ADAA);
  - Senate Bill 886: Merit Based Hiring;
  - Senate Bill 78: Unlawful Workplace Harassment;
  - The Lilly Ledbetter Fair Pay Act of 2009; and
  - Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA).

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**Orientation Manual Page: 45**

The Department of Public Safety's Equal Employment Opportunity program is intended to create a diverse workforce climate that is responsive and respectful of fairness and equity for applicants and employees which ensures compliance with State and Federal guidelines.

Equal Employment Opportunity guidelines also prohibit retaliatory actions against employees or applicants because they filed a charge, testified, assisted or participated, in any manner, in a hearing, proceeding, investigation, or employment discrimination complaint.

Equal Employment Opportunity is protected under many laws including the ones you see here. You can see that some began in the 1960s and the most recent one was in 2009.

## EQUAL EMPLOYMENT OPPORTUNITY

Applies to decisions involving

- recruitment, including advertising, or soliciting for employment;
- treatment during employment including compensation, promotion and reallocation;
- evaluation of work performance;
- administration of all forms of pay and compensation;
- selection for training, including trainee, intern and apprenticeship opportunities;
- other career development opportunities, and
- transfer, separation, demotion, termination and/or reduction-in-force

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**Orientation Manual Page: 45**

EEO Laws apply to all aspects of employment beginning with recruitment and selection processes to treatment and compensation, evaluation, benefits, training and throughout the entire work life cycle of an employee.

All of these employment decisions must be made without regard to the following:

## EQUAL EMPLOYMENT OPPORTUNITY

Employment practices of the agency will be administered without regard to

- Race
- Color
- National origin
- Religion
- Age
- Sex
- Political affiliation[1]
- Genetic information[2]
- Disability

[1]Direct appeal to the Office of Administrative Hearings on the basis of political affiliation is provided only to employees who have achieved career status pursuant to G.S. 126-1A.
[2]Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the Equal Employment Opportunity Commission (EEOC).

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**Orientation Manual Page: 45**

Race, color, sex, religion, national origin, age, genetic information, or disability status, except where age, sex or physical requirements constitute bona fide occupational qualifications. These are known as "protected classes". Our employment practices must be administered without regard to these things. Employment decisions must be made based on job related criteria.

On the next slide we will review the process for filing a complaint or grievance. It is important to note that for grievances related to political affiliation, employees may directly appeal to the Office of Administrative Hearings only if they are an employee who has achieved career status pursuant to G.S. 126-1A.

Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the Equal Employment Opportunity Commission (EEOC).

## WHAT TO DO?

EEO complaints may be filed within 15 calendar days of the alleged discriminatory act with the DPS EEO Office

Complaints may also be simultaneously filed with The Equal Employment Opportunity Commission (EEOC)

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**Orientation Manual Page: 45**

Grievances/Complaints may be filed with the Department of Public Safety EEO Office within fifteen (15) calendar days of the alleged discriminatory act.

The employee also has the right to file a complaint simultaneously with the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged discriminatory act.

If the individual chooses to grieve to the Department's EEO Office, a thorough investigation will be conducted and recommendations made as appropriate.

The forms and process is on the DPS Website under For Employees.

## Americans with Disabilities Act

- Ensures that the our agency maintains equal opportunity in employment for all qualified persons with disabilities.
- Provides a process for employees who need a reasonable accommodation .
- A reasonable accommodation is a modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to perform the essential functions of their job.

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**Orientation Manual Page: 46**

Title I of the Americans with Disabilities Act (ADA) prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment. The Department's policy and procedures address all aspects of the employment process.

In compliance with the ADA, it is the policy of the Department of Public Safety to:

- Prohibit discrimination against employees and qualified applicants on the basis of a disability;
- Protect individuals from discrimination, coercion, intimidation, threats or interference when filing an ADA complaint or testifying about alleged ADA violations; and,
- Consider requests for and provide reasonable accommodation(s) to employees and qualified applicants consistent with the procedures delineated in this policy.

## Reasonable Accommodation

- An employer is required to make a reasonable accommodation to the known disability of a qualified applicant or employee if requested and if it would not impose an "undue hardship"
- Requests for reasonable accommodation(s) are initiated in writing by the employee and through the appropriate chain-of-command to the DPS ADA Compliance Officer for final approval.
- All requests related to mandatory Criminal Justice Education and Training Standards Commission Basic Training requirements shall be initiated using Request for Reasonable Accommodation – Basic Training form. This form shall be forwarded directly to the Director of the Office of Staff Development and Training for consideration.

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**Orientation Manual Page: 47**

If an employee needs to request an accommodation, they must initiate that request in writing by submitting the RRA Form through the appropriate chain-of-command to the ADA Compliance Officer for final approval.

All requests related to mandatory Criminal Justice Education and Training Standards Commission Basic Training requirements shall be initiated using Request for Reasonable Accommodation – Basic Training form. This form is then forwarded directly to the Director of the Office of Staff Development and Training for consideration.

## Employment of Relatives (Nepotism)

- Members of an immediate family shall not be employed within the same agency if such employment will result in one member supervising another member of the employee's immediate family, or if one member will occupy a position which has influence over another member's employment, promotion, salary administration or other related management or personnel considerations.

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**Orientation Manual Page: 47**

This is generally called the "nepotism policy"

This policy states that members of an immediate family shall not be employed within the same agency if such employment will result in one member supervising another member of the employee's immediate family, or if one member will occupy a position which has influence over another member's employment, promotion, salary administration or other related management or personnel considerations.

The term immediate family includes wife, husband, mother, father, brother, sister, son, daughter, grandmother, grandfather, grandson and granddaughter. Also included is the step-, half- and in-law relationships.

It also includes other people living in the same household, who share a relationship comparable to immediate family members if either occupies a position which requires influence over the other's employment, promotion, salary administration or other related management or personnel considerations.

## Secondary Employment

Secondary Employment is not allowed if the employment will:

- Impair in any way the employee's ability to perform all required duties and responsibilities or any other duties and responsibilities as assigned;
- Impair in any way the employee's ability to make decisions and/or carry out the responsibilities of the employee's position in an objective fashion;
- Result either directly or indirectly in a conflict of interest with the primary employment.

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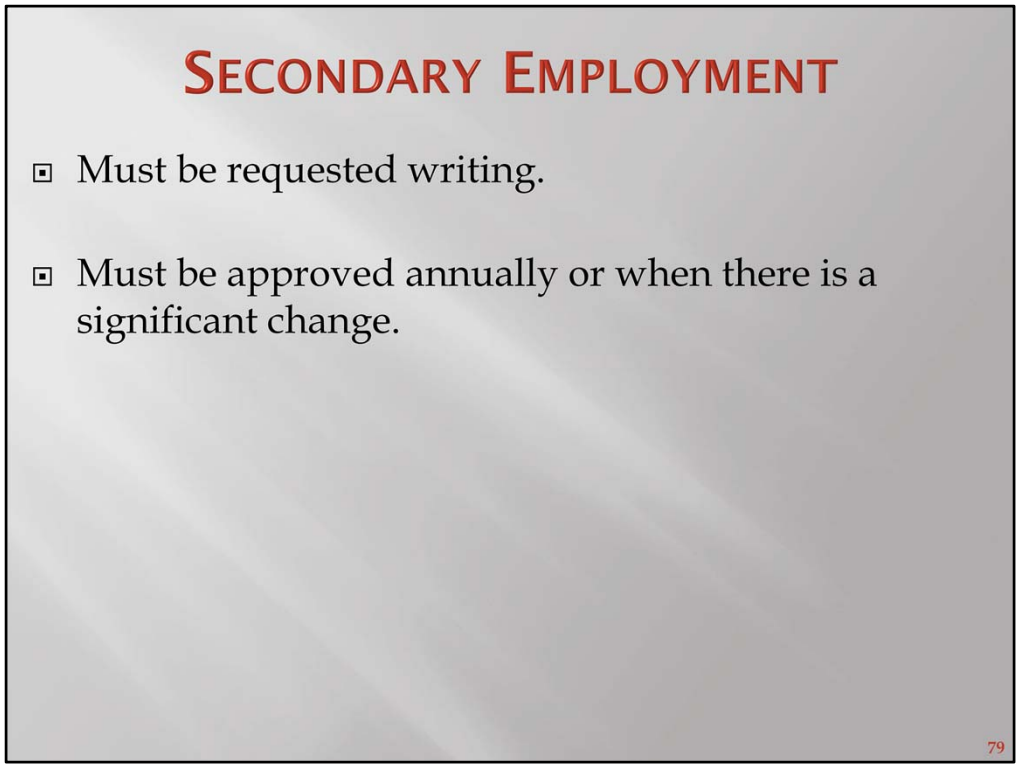
**Orientation Manual Page: 47-48**

An important policy that all new hires need to be aware of is the Secondary Employment Policy. Before you can assume a secondary job, you must first obtain approval from your chain of command. You must complete the Request for Secondary Employment form and submit it to your supervisor.

Your request must be approved by your supervisor and the Division Director before you can begin secondary employment.

Certain issues must be considered by management before approval can be given. Secondary employment shall not be permitted when it may reasonably be expected that such employment would:

- Impair the employee's ability to perform all required duties;
- Impair the employee's ability to make decisions and carry out in an objective fashion the responsibilities of the position; OR
- Result in either directly or indirectly a conflict of interest with the primary employment.




**Orientation Manual Page: 48**

You are responsible for notifying your supervisor in writing of any major changes in secondary employment.

In addition, approval requests for secondary employment should be made each year and whenever you change positions.

## Secondary Employment Revocation

Approval for secondary employment may be revoked at any time for any of the below listed reasons. These may also be grounds for disciplinary action up to and including dismissal.

- Failure to request and obtain approval of secondary employment initially, annually, and/or when the employee changes positions.
- The submission of falsified information.
- Negative impact on the employee's work performance.
- The use of state resources or state time for the benefit of secondary employment.
- Failure to notify the immediate supervisor of any major change in the nature of the secondary employment.
- The issuance of disciplinary action shall result in a reevaluation of the employee's secondary employment relationship.

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**Orientation Manual Page: 48**

Approval for secondary employment may be revoked at any time for any of the below listed reasons. Please keep in mind that the following would be grounds for disciplinary action:

- Failure to request and obtain approval of secondary employment initially, annually, and/or when the employee changes positions.
- The submission of falsified information
- Negative impact on the employee's work performance in his/her primary employment.
- The use of state resources or state time for the benefit of secondary employment.
- Failure to notify the immediate supervisor of any major change in the nature of the secondary employment.

The issuance of disciplinary action shall result in a reevaluation of the employee's secondary employment relationship and may result in revocation of approval depending on the subject matter and severity of the disciplinary action.

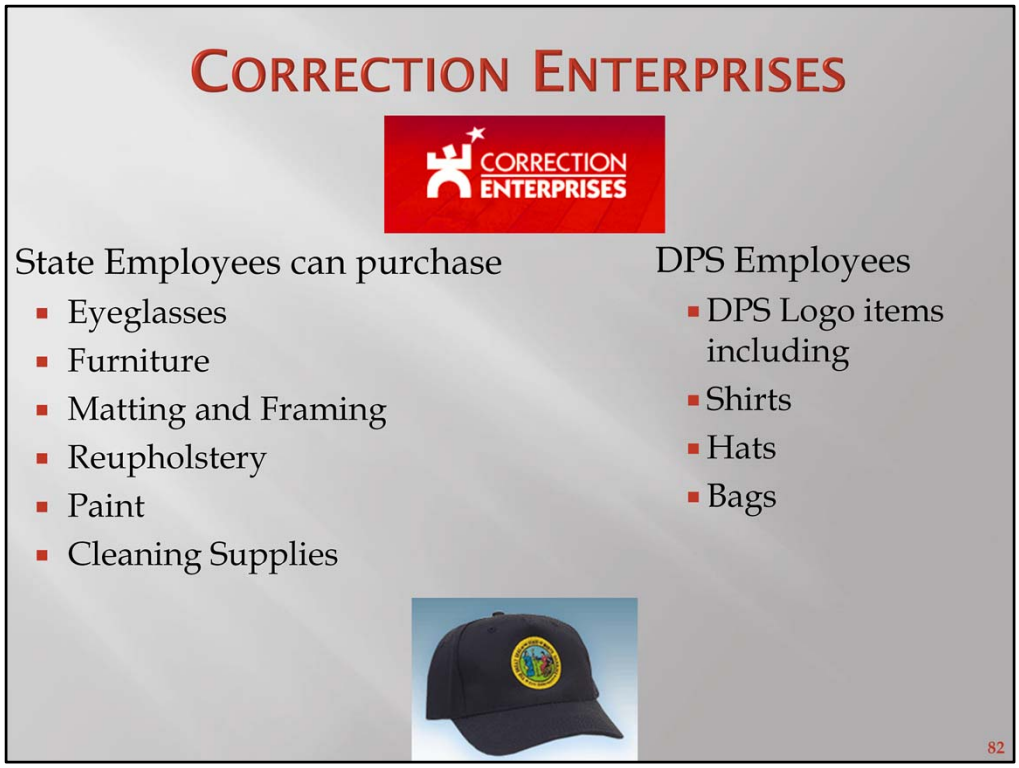
**Orientation Manual Page: 49**

Job vacancies are posted electronically to the Office of State Personnel. The electronic posting system is designed for posting time frames are generally set to begin on Monday, post for five (5) calendar days, and end on Friday, not including holidays.

To apply for a vacant position, you must submit an electronic application through Office of State Personnel online hiring system, NEOGOV. This link provides you with a step by step guide of creating, saving, and submitting an application for a vacant position.

To receive credit for your work history and credentials, you must list the information on the application. If possible, address the knowledge, skills, abilities, experience, education, and selective criteria requested in the job posting.

Your application must be received by 5:00pm on the closing date to be eligible for consideration. Applications received after that date and time will not be considered.

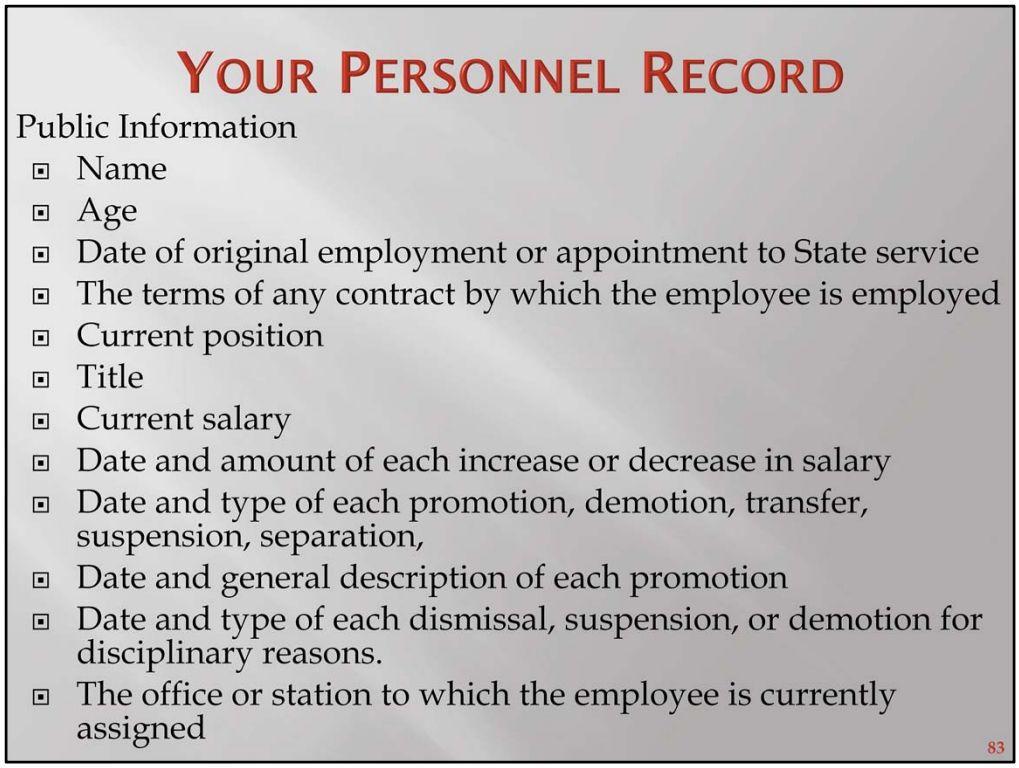



**Orientation Manual Page: 51**

As a state employee, you may purchase items that made and/or sold through Correction Enterprises. Correction Enterprises is a valuable program that teaches offenders personal responsibility and work skills to increase the likelihood of success upon release. Items available through Correction Enterprises include:

- Eyeglasses
- Furniture
- Matting and Framing
- Reupholstery
- Paint
- Cleaning Supplies

Additionally, as a DPS Employee, you may order shirts, bags, hats, and other items with the DPS Logo on them. There is a link to Correction Enterprises on the main DPS Website that explains how to access and order items.




**Orientation Manual Page: 51**

A personnel file consists of any employment-related or personal information gathered by the agency, the Retirement Systems Division of the Department of State Treasurer, or by the Office of State Personnel.

The following information on each employee shall be maintained and open for inspection. In other words, this information is considered public information:

- Name
- Age
- Date of original employment or appointment to State service, the terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the agency has the written contract or a record of the oral contract in its possession.
- Current position
- Title
- Current salary (includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation)
- Date and amount of each increase or decrease in salary with that department, agency, institution, commission, or bureau
- Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that department, agency, institution, commission, or bureau
- Date and general description of the reasons for each promotion with that department, agency, institution, commission or bureau
- Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the

department, agency, institution, commission, or bureau. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the head of the department setting forth the specific acts or omissions that are the basis of the dismissal
- The office or station to which the employee is currently assigned

Information other than this listed is considered confidential.

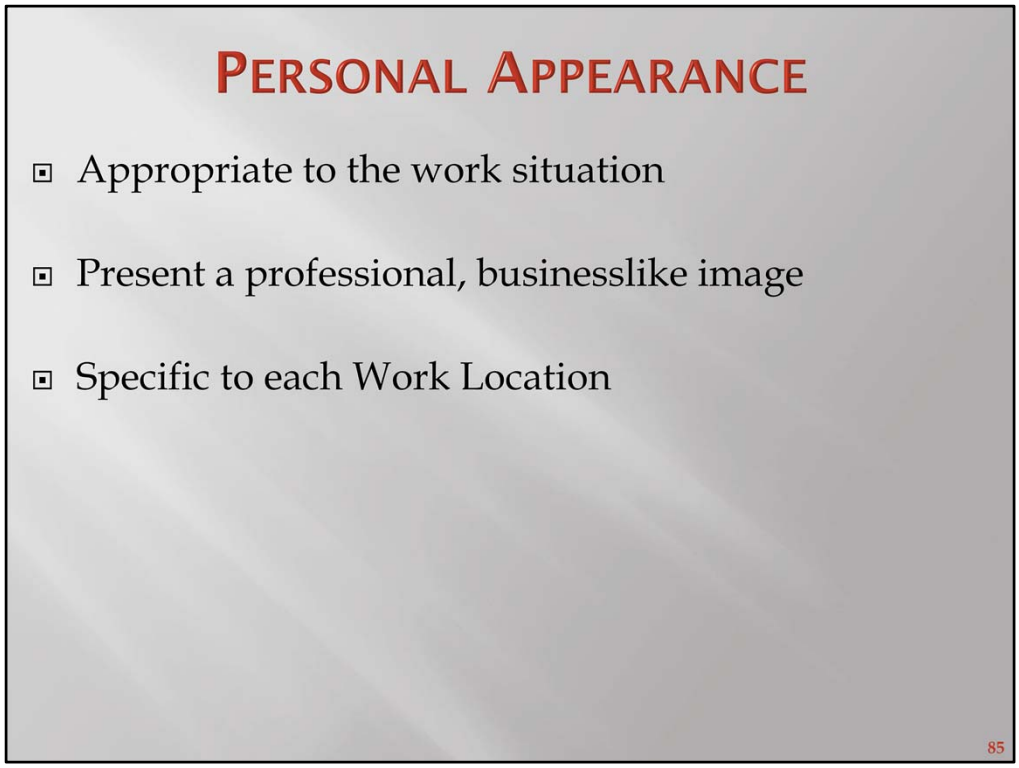
All employee medical information is maintained separately from Personnel Records and are subject to different rules, regulations, and procedures. Any questions regarding medical information that may be considered part of a personnel file should be directed to the Human Resources Staff.

Employees and former employees may inspect and examine their personnel file during regular business hours provided they produce appropriate identification to the individual managing personnel records. Letters of reference solicited prior to employment, background checks, and recommendations for hire shall be removed from the employee's personnel file prior to the employee's review. Information concerning a medical disability, mental or physical, that a prudent physician would not divulge to a patient shall also be removed.

There may be instances when files may not always be readily available for review. If the employee has been separated from the Department for more than five (5) years or if the employee transferred to another state agency after separating from the Department, the file may have to be requested from the State Records Center, etc. If so, it may take a few weeks before the file can be obtained.

**Orientation Manual Page: 54**

Now that we have covered employment policies, we will not move on to talk about Professional Standards and conduct. At this time, I would also reiterate that your Division and or Unit/Facility may have additional policies, procedures, or stipulations. Therefore it is important to refer to your supervisor or appropriate manager at your facility if you have any questions.

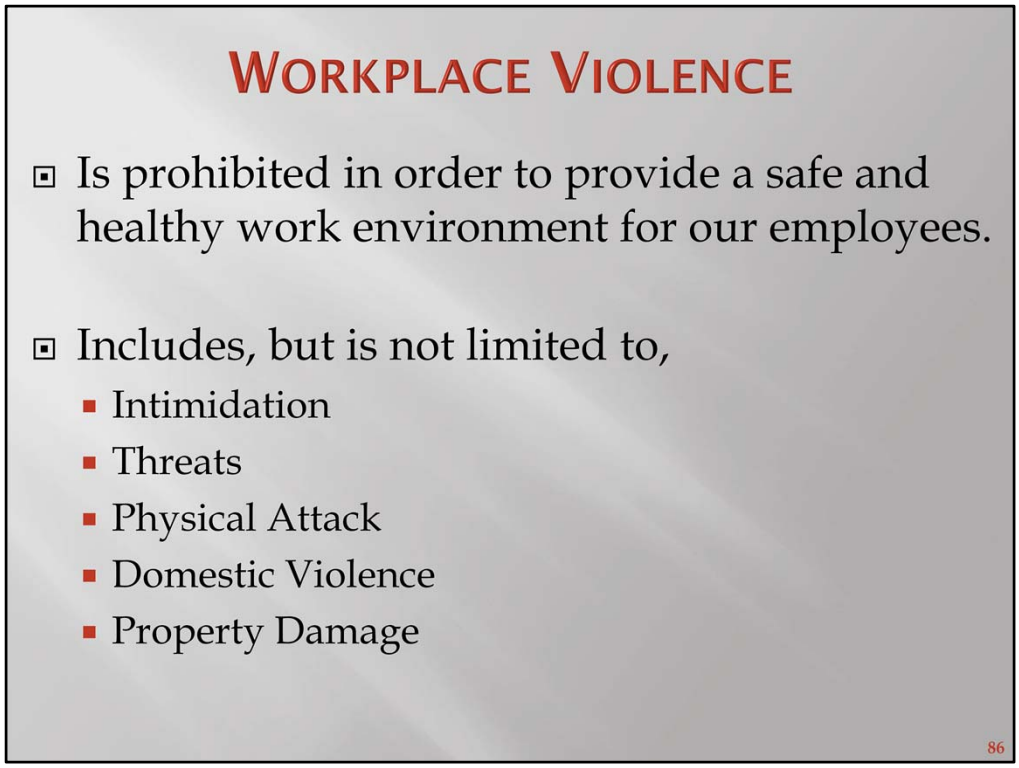



**Orientation Manual Page: 54**

The Department of Public Safety has a Personal Appearance Policy. It is the expectation that each employee's dress, grooming, and personal hygiene within the Department of Public Safety should be appropriate to the work situation.

Employees are expected at all times to present a professional, businesslike image. Departures from conventional dress or personal grooming and hygiene standards are not permitted.

Standards for what is appropriate will vary according to the specific work location and the activity being performed by the employee and whether the employee is uniformed. You should confirm with your supervisor if there are any questions regarding appearance or dress code.




**Orientation Manual Page: 54**

DPS prohibits violence in the work place in order to provide a safe and healthy work environment for our employees. There is an online training module that you will complete as part of the new employee onboarding process. So we will briefly cover what workplace violence is and what you should in a situation involving workplace violence.

Workplace violence includes, but is not limited to, intimidation, threats, physical attack, domestic violence, or property damage and includes acts of violence committed by State employees, clients, customers, relatives, acquaintances, or strangers against State employees in the workplace

## Violations Include

- Engaging in workplace violence.
- Failing to report or investigate a threat of workplace violence.
- Use or possession of a weapon in violation of Policy or State law governing the use and possession of such weapons /firearms.

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**Orientation Manual Page: 55**

Violations of the policy include
- Engaging in workplace violence.
- Failing to report or investigate a threat of workplace violence.
- Use or possession of a weapon in violation of Policy or State law governing the use and possession of such weapons /firearms.

## What to Do?

- Employees share in the responsibility of creating and maintaining a work environment free from all forms of threatening behaviors.
- Report all violations to your supervisor or manager IMMEDIATELY or at least within 24 hours of the occurrence.

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**Orientation Manual Page: 55**

All employees share in the responsibility of creating and maintaining a work environment free from all forms of threatening behaviors.

Therefore, employees shall report any and all violations of this policy to his/her supervisor, another authorized supervisor, or the manager immediately but at least within 24 hours of the occurrence of the policy violation(s).

**Orientation Manual Page: 56**

All employees and agents of the Department are expected to act in a manner consistent with standards of personal conduct that contributes to a professional working environment in all departmental workplaces. The Department has ZERO TOLERANCE for violations of the unlawful workplace harassment policy and for retaliation.

Unlawful Workplace Harassment includes unwelcomed or unsolicited speech or conduct that is based on:

- Race
- Color
- Religion
- Sex
- Genetic Information
- National Origin
- Age
- Disabling Condition

Unwelcomed or Unsolicited Speech/Conduct could include, but is not limited to, the following:

- Threats of physical violence or harm; displaying items that imply such a threat;
- Slurs, epithets, humiliating and derogatory jokes or comments concerning national origin, ethnicity, race, color, handicap, age, religion, creed or gender;
- Off-color, sexually suggestive, sexist or risqué email, stories, jokes, items, songs, personal accounts, or pictures;

- Questioning others about personal matters, including the nature, existence or details of relationship with spouses or lovers, sexual preferences or history;
- Physical touching other than handshakes, including rubbing, hugging, stroking, kissing, or grabbing any part of someone else's body or personal items on their body without their consent;
- Sexually aggressive conduct, including bumping, cornering, or touching in any manner the area around (or clothing on) someone's buttocks, upper leg, thigh, crotch, chest or breasts; and
- Sexual advances, requests for sexual favors, comments containing sexual language or references with sexual innuendo or implications, obscene gestures.

And when such behavior creates 1 of the following:
**Hostile Work Environment (HWE)** - which is defined as:
An environment that a reasonable person would find hostile or abusive and one which the person who is the object of the harassment in fact perceives to be hostile and abusive. Hostile work environment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct, the severity of the conduct, and whether the conduct is physically threatening or humiliating, or unreasonably interferes with an employee's work performance.

**OR**

**Constitutes Quid Pro Quo Sexual Harassment** which is defined as:
Unwelcomed sexual advances, requests for sexual favors or other verbal or physical conduct when:
- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, OR
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.

## WHAT TO DO?

- Submit a written complaint to the DPS EEO Office within 15 days of that alleged harassing action.
- A complaint for some alleged harassing actions may also be simultaneously filed with the Equal Employment Opportunity Commission (EEOC) within 180 days of the alleged harassing action.

*Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the (EEOC).

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**Orientation Manual Page: 58**

Every employee has a duty to report immediately conduct which he or she reasonably believes constitutes unlawful workplace harassment. The Department has a ZERO TOLERANCE stance against workplace harassment. The failure of an employee to report conduct that reasonably appears to violate the unlawful workplace harassment policy negatively impacts the Department's ability to identify and eliminate unlawful workplace harassment. Therefore, it is imperative that every employee report conduct he or she reasonably believes may violate the unlawful workplace harassment policy.

Any individual who wishes to file a grievance under this policy must submit a written complaint to the Department within 15 calendar days of the alleged harassing action. This then begins the agency process of conducting an investigation. That process is outlined in your manual. The department is required to investigate all allegations and to take appropriate action in a timely manner.

The individual may file a simultaneous complaint under Title VII with the Equal Employment Opportunity Commission (EEOC). A complaint with the EEOC must be submitted within 180 days of the alleged harassing action.

Advisory Note: Complaints relating to Genetic Information are limited to the agency's internal grievance process and may be simultaneously filed with the Equal Employment Opportunity Commission (EEOC).

# PREA

- Was enacted by Congress to address sexual abuse of persons in confinement and under supervision in all public and private correctional institutions
- Purpose of New Employee Orientation training is to prepare you with basic information prior to coming into contact with offenders, juveniles or inmates.
- This training will **not** satisfy your requirement to obtain Sexual Abuse and Harassment 101 as required under the PREA Standards §115.31 (231/ 331).

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**Orientation Manual Page: 59**

The Prison Rape Elimination Act of 2003 was enacted by Congress to address the problem of sexual assault of persons in the custody of U.S. correctional agencies. The Act applies to all public and private institutions that house adult and juvenile offenders and is also relevant to community-based agencies.

The purpose of covering this material during New Employee Orientation training is to prepare you with basic information prior to coming into contact with offenders, juveniles or inmates. This training will **not** satisfy your requirement to obtain Sexual Abuse and Harassment 101 as required under the PREA Standards §115.31 (231/ 331). For many positions within our agency, additional training will be required regarding PREA. Your supervisor or their designees will advise you of that and will schedule you for any required training.

## PREA

- DPS has adopted a standard of **ZERO TOLERANCE** for incidents of sexual abuse and harassment involving offenders and juveniles.
- Policy requires the detection, elimination, reduction, prevention and punishment of sexual abuse.
- Employees have a duty to report incidents of sexual abuse/ harassment of offenders and juveniles.
- PREA protects the offenders' 8th amendment right to be free from cruel and unusual punishment.

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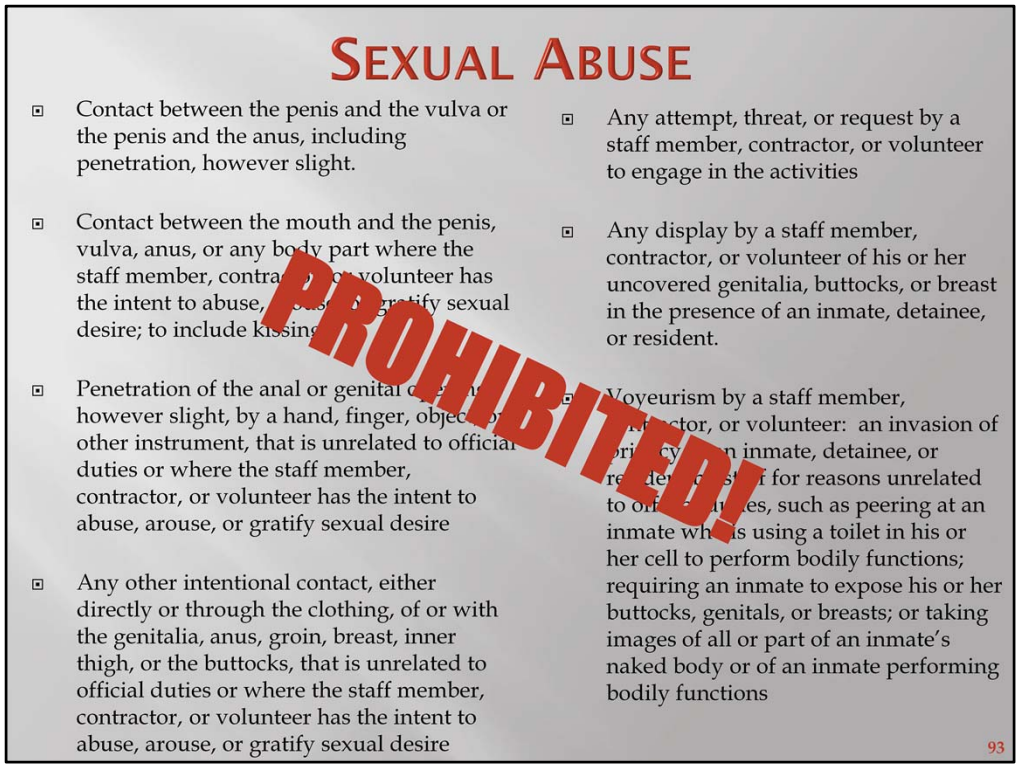
**Orientation Manual Page: 60**

DPS has adopted a standard of zero-tolerance for incidents of sexual abuse and harassment involving offenders and juveniles. NCDPS is committed to a standard of zero-tolerance of offender/ juvenile/inmate sexual abuse by staff, population & residents, correctional agents, volunteers and other individuals who come in contact with or provide services for those in confinement or under supervision.

DPS policy requires the detection, elimination, reduction, prevention and punishment of sexual abuse.

DPS employees have a duty to report incidents of sexual abuse/ harassment of offenders and juveniles.

PREA protects the offenders' 8th amendment right to be free from cruel and unusual punishment.




**Orientation Manual Page: 60**

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or juvenile.

I'll give you a moment to read over this list. They are also located in your workbook.

**PAUSE to allow participants to read**

All of these are considered Sexual abuse and are **CLICK** prohibited. Consent is no defense.

## Sexual Harassment

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another.
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

PROHIBITED!

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**Orientation Manual Page: 60**

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another;

Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

These are CLICK prohibited by policy.

## Personal Dealings with Offenders

- DPS employees are required to maintain professional relationships with offenders (inmates/ probationers) and juveniles.
- Employees must treat offenders/ juveniles in a quiet but firm manner and must refrain from inappropriate and improper contact with them.

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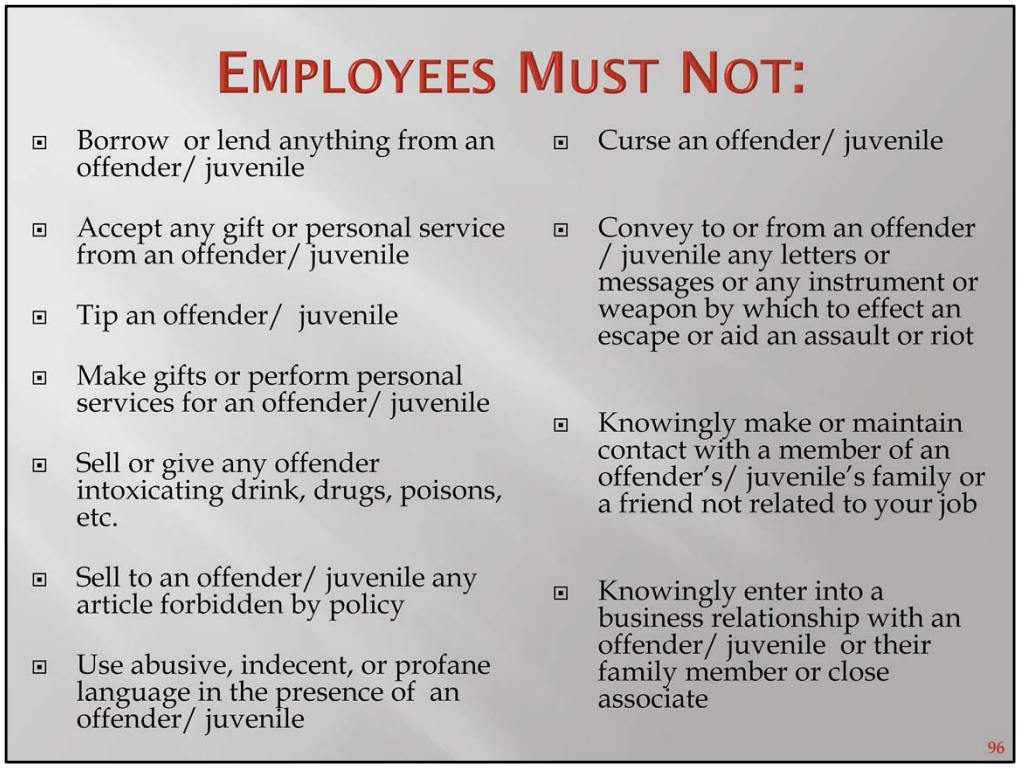
**Orientation Manual Page: 60**

DPS employees are required to maintain professional relationships with offenders (inmates/ probationers) and juveniles.

Employees must treat offenders/ juveniles in a quiet but firm manner and must refrain from inappropriate and improper contact with them.




**Orientation Manual Page: 61**

In compliance with that, an employee must not:

- Borrow or lend anything from an offender/ juvenile
- Accept any gift or personal service from an offender/ juvenile
- Tip an offender/ juvenile
- Make gifts or perform personal services for an offender/ juvenile
- Sell or give any offender intoxicating drink, drugs, poisons, etc.
- Sell to an offender/ juvenile any article forbidden by policy
- Use abusive, indecent, or profane language in the presence of an offender/ juvenile
- Curse an offender/ juvenile
- Convey to or from an offender / juvenile any letters or messages or any instrument or weapon by which to effect an escape or aid an assault or riot
- Knowingly make or maintain contact with a member of an offender's/ juvenile's family or a friend not related to your job
- Knowingly enter into a business relationship with an offender/ juvenile or their family member or close associate

## Prevention Strategies

- Align yourself with other employees
- Do not discuss your personal life.
- No gifts, letters, etc.
- Talk with other staff when you see warning signs.
- No favors.
- Recognize your stress level.
- Do not ignore inappropriate/deliberate behavior.
- Have pride in your job.

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Some suggestions for helping employees maintain appropriate boundaries include:

- Align yourself with other employees. Show respect for them in front of inmates, offenders, and juveniles
- Do not discuss your personal life or that of any other employee in front of inmates, offenders, or juveniles
- No first name familiarity
- Recognize "over friendly" inmate/ offender/ juvenile behavior and question their motives
- Never accept gifts, letters or phone calls. Never give out your number or address
- Talk with other staff when you see warning signs. Approach them in good faith and not judgmentally. Don't let them "fall off of the cliff" and then tell everyone that "I could have told you that this was going to happen"
- Don't do any favors, like mailing cards, getting money, calling family, etc. Favors immediately lead to obligations for you to the inmate/ offender or juvenile and this obligation never goes away
- Recognize your level of personal stress. Talk to someone at the unit
- Do not ignore inappropriate deliberate behavior such as flashing or exposing themselves, inappropriate clothing, buttons or zippers undone
- Pride. Have personal pride about your job
- Remember your family and community. This can be an outstanding career for you. You can be in charge of your own destiny. You can be a role model for other employees and new staff. Don't be reluctant to share or ask for advice.

## Reporting Prior Relationships with Offenders

- Must be reported by the employee to his/her supervisor.
- If an employee wishes to be placed on an offender's list of approved visitors, they must submit written notification to their supervisor.

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**Orientation Manual Page: 61**

Relationships between an employee and an offender that existed prior to employment or incarceration, probation, etc. must be reported by the employee to his/her supervisor as soon as the employee becomes aware that the individual is now an offender and will be or is assigned to the facility where the employee works or under the supervision of the employee.

If an employee wishes to be placed on an offender's list of approved visitors, they must submit written notification to their supervisor.

## Contact with Family/Associates

- If you are contacted by the family or close associate of an offender, you must immediately report this to your supervisor.
- Violation of this policy or failure to notify his/her supervisor that an offender's family member/ close associate has contacted him/her will be subject to disciplinary action up to and including dismissal.

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**Orientation Manual Page: 61**

If you are contacted by the family or close associate of an offender, you must immediately report this to your supervisor.

Any employee who knowingly associates with an offender's family member or close associate in violation of this policy or fails to notify his/her supervisor that an offender's family member/ close associate has contacted him/her will be subject to disciplinary action up to and including dismissal.

## Contact with Juvenile's Family/Associates

- Staff shall report any relationship between a staff member and a juvenile's family that existed prior to the juvenile's admission and/or commitment immediately to the supervisor.
- Staff shall not make or have contact with any member of a juvenile's family, unless assigned duties require such an association, or unless specifically authorized by the Center Director. This includes any visits with the juvenile's family while off-duty.
- A staff member shall immediately report any contact with a juvenile's family member that occurs outside of the professional responsibilities to his supervisor.

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**Orientation Manual Page: 62**

Staff shall report any relationship between a staff member and a juvenile's family that existed prior to the juvenile's admission and/or commitment immediately to the supervisor.

Staff shall not make or have contact with any member of a juvenile's family, unless assigned duties require such an association, or unless specifically authorized by the Center Director. This includes any visits with the juvenile's family while off-duty.

A staff member shall immediately report any contact with a juvenile's family member that occurs outside of the professional responsibilities to his supervisor.

## Limits to Cross Gender Viewing and Searching

The Department is required under the national standards to Prevent, Detect, and Respond to Prison Rape Under the Prison Rape Elimination Act (PREA) Standards §115.15 to implement limits to cross-gender viewing and searches. If you are hired to work in a facility which houses inmates, offenders or juveniles, this standard will require the following:

- Shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- Shall not permit cross-gender pat-down searches of female persons in confinements, absent exigent circumstances. Facilities shall not restrict female persons in confinements' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.
- Shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female persons in confinements.
- Shall implement policies and procedures that enable persons in confinements to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering a housing unit.

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## Employee Responsibilities

- Be informed about the agency's policies
- Recognize the signs of abuse and harassment
- Respond appropriately

**Failure to report may result in disciplinary action up to and including dismissal**

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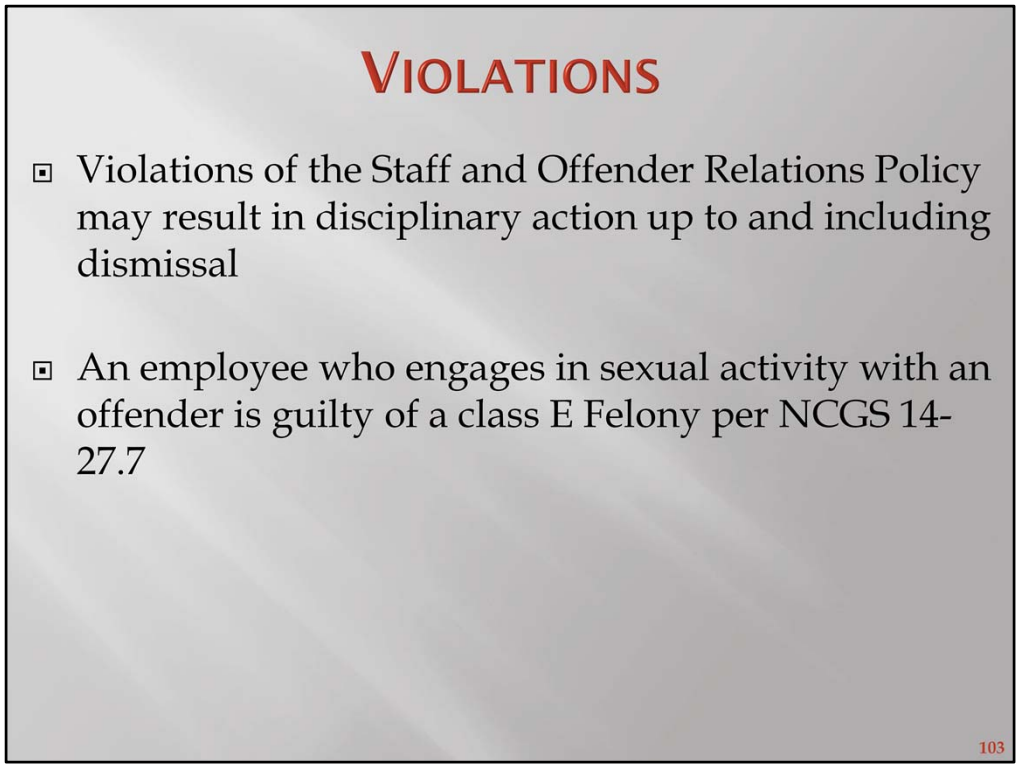
Your responsibilities as an employee are to:

Be informed about the agency's policies

Recognize the signs of abuse and harassment

Respond appropriately

**Failure to report may result in disciplinary action up to and including dismissal**




**Orientation Manual Page: 62**

Violations of the Staff and Offender Relations Policy may result in disciplinary action up to and including dismissal

An employee who engages in sexual activity with an offender is guilty of a class E Felony per NCGS 14-27.7

## Hiring and Promotions Prohibition

DPS is prohibited from hiring and promoting persons who may have contact with offenders or juveniles under its supervision anyone who has:

- Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution or
- Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse, or
- Has been administratively adjudicated to have engaged in the activities described,

**You MUST report this to your supervisor immediately**

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**Orientation Manual Page: 61-62**

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Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, or coercion, or if the victim did not consent or was unable to consent or refuse, or

Has been administratively adjudicated to have engaged in the activities described,

You MUST report this to your supervisor immediately

## Limitation of Political Activity

No State employee subject to the Personnel Act or temporary State employee shall:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State;
- Otherwise use the authority of his position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results thereof

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**Orientation Manual Page: 63**

G.S. 126, Article (5) clearly delineates what State employees may and may not do relevant to political activity during regularly scheduled working hours. No State employee subject to the Personnel Act or temporary State employee is allowed to:

- Take any active part in managing a campaign, or campaign for political office or otherwise engage in political activity while on duty or within any period of time during which he/she is expected to perform services for which he/she receives compensation from the State;
- Otherwise use the authority of his or her position, or utilize State funds, supplies or vehicles to secure support for or oppose any candidate, party, or issue in an election involving candidates for office or party nominations, or affect the results.
- No State employee or official shall use any promise of reward or threat of loss to encourage or coerce any employee subject to the Personnel Act to support or contribute to any political issuer, candidate, or party.
- Prior to filing for an elective office, an employee is required to notify the appropriate manager in writing of an intent to seek an elective office. The manager will review the employee's notification to determine if the elective office would create any conflict of interest for the employee and/or the Department and if the elective office would be full-time, part-time, or time-limited. The employee will be notified in writing of approval or disapproval.

## Reporting Theft or Misuse of State Property

- All employees are required to report to their supervisor within **72 hours** any information or evidence of theft or misuse of any State-owned property or building.
- This includes attempted or actual:
  - Arson
  - Damage
  - Theft
  - Embezzlement

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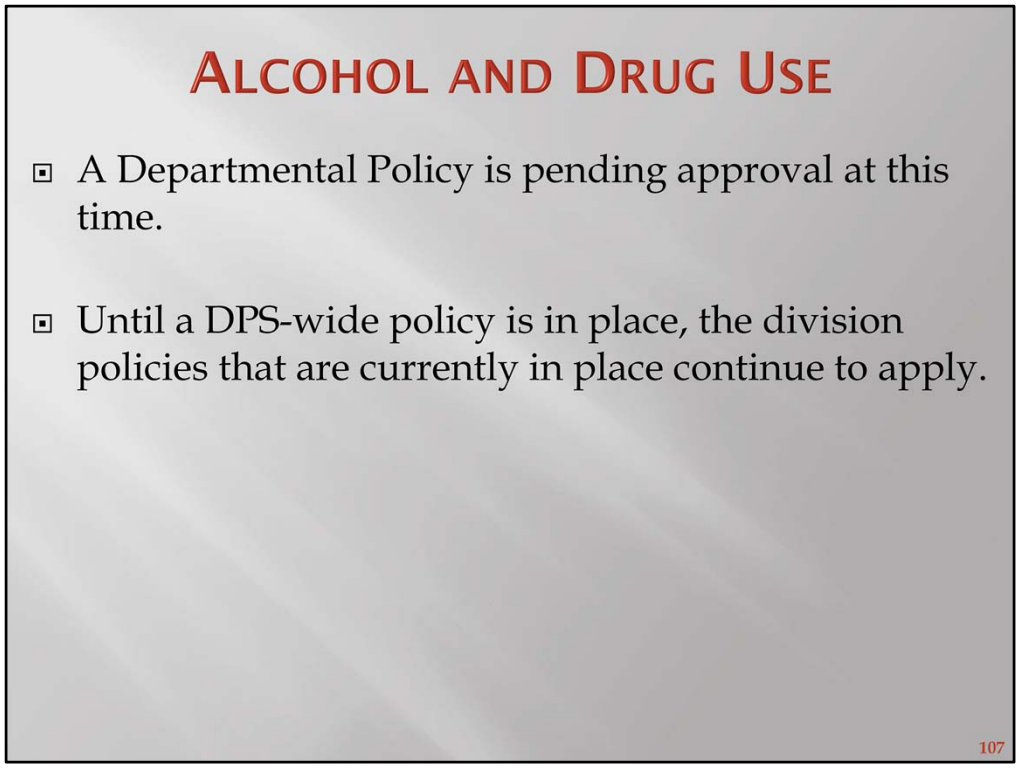
**Orientation Manual Page: 64**
G.S. 114-15.1 requires that the Department Head report any information or evidence of an attempted arson, or arson, damage of, theft from, or theft of, or embezzlement from, or embezzlement of, or misuse of, any state-owned personal property, buildings or other real property to the State Bureau of Investigation (SBI) within (10) days of receipt of such information. As a result, all employees are required to adhere to the following steps when reporting information:

All information shall be reported to the supervisor/manager immediately or no later than 72 hours after discovery.

The supervisor/manager shall immediately report this information to the Facility/Section Head.

Instructor note: If an employee asks what the process is:
The Facility/Section Head shall complete a State Property Incident Report (SBI-78 Form) in entirety and email it to the Director of Internal Audit as soon as possible. The Facility/Section Head shall report suspected criminal activity concerning the misuse of state property, such as suspected theft of state property, to local law enforcement authorities immediately. Internal Audit will report the incident to the SBI.

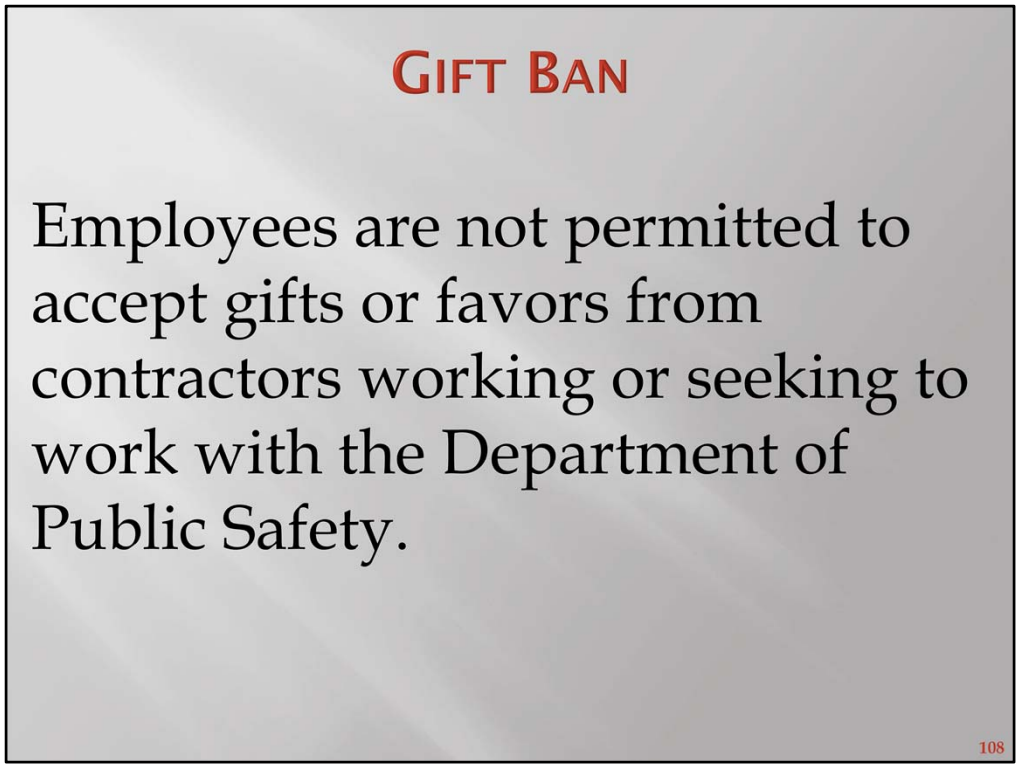



**Orientation Manual Page: 64**

Executive Leadership is currently reviewing and finalizing a DPS Policy regarding Alcohol and Drug use.

Until that agency wide policy is signed in to effect, the division policies that are currently in place continue to apply related to alcohol and drug use.

If you have any questions regarding what that policy is, you should discuss with your supervisor or hr staff.




**Orientation Manual Page: 64**

As an employee, you are not permitted to accept gifts or favors from contractors working or seeking to work with the Department of Public Safety.

Further, a violation of North Carolina General Statute §133-32 is a Class 1 misdemeanor and failure to abide by Executive Order 24 and North Carolina General Statute §133-32 will be considered unacceptable personal conduct and grounds for disciplinary action, up to and including dismissal.

## Criminal Convictions with Firearms

- Employees in positions that handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" (18 U.S.C. § 922(g)(9) and the "North Carolina Felony Firearms Act" (N.C.G.S. §14-415.1).
- Criminal Offenses that relate to these prohibitions may result in employee termination.

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The Department of Public Safety must adhere to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9) and the North Carolina Felony Firearms Act at N.C.G.S. §14-415.1.

The federal statute prohibits the possession or use of weapons by persons convicted of misdemeanors involving domestic violence and the state law prevents gun possession or use by persons convicted of a felony.

As a result of these prohibitions, the Department may not hire individuals subject to these prohibitions into positions that in the course of duty may handle firearms.

Employees are required to report criminal offenses. If subject to these prohibitions, the prohibition may result in the employee's termination from employment.

## Criminal Offenses

- Employees are required to report any civil or criminal charge(s) for which they receive formal notice, excluding minor traffic non-moving violations.
- This notification should be communicated to your supervisor immediately upon returning to work or within 24 hours, whichever is sooner.
- Certain offenses may impact your employment.
- Failure to notify your supervisor may result in disciplinary action.
- Also applies to any domestic violence orders.

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**Orientation Manual Page: 65**

All employees, including those employees in other pay status (for example, those exhausting vacation leave, sick leave, military leave, etc.) or on leave without pay, are required to report to his/her supervisor any civil or criminal charge(s) for which they receive formal notice, excluding minor traffic non-moving violations where the maximum possible punishment is a fine and no personal injury is involved.

This applies to offenses that not only occur in North Carolina but in any other jurisdiction, foreign or domestic, whether federal, state, territory, commonwealth, or other governmental entity.

Formal notice includes, but is not limited to:
1. Arrest
2. Detention
3. Citation
4. Criminal summons
5. Civil summons
6. Permanent restraining order
7. Warrant for arrest
8. Order for arrest
9. Bill of information
10. Notice from DMV
11. Order to Show Cause

In addition, all employees are required to report to his/her supervisor any motor vehicle offense which could result in immediate suspension or revocation of the employee's driver's license if convicted of the charged offense, either individually or in combination with previous or other violations. Examples of violations that must be reported include:

- Driving While Impaired (DWI)
- Driving Under the Influence (DUI)
- Speeding over 55 mph and over 15 mph

NOTE: This is not an all-inclusive list. When employees have questions about what should be reported, they have a duty to seek clarification from the work unit supervisor/manager.

**Notification Process:**

Once charged, an employee must report the offense to their supervisor/manager immediately upon returning to work or within 24 hours, whichever is sooner. Failure to notify your supervisor of an arrest or criminal charge in accordance to this policy is considered unacceptable personal conduct and may result in disciplinary action up to and including dismissal.

As we previously discussed and as a reminder, employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9) and the North Carolina Felony Firearms Act at N.C.G.S. §14-415.1. Criminal offenses that relate to these prohibitions may result in employee termination.

Once formal notice has been services and once the employee has gone to court, the employee will submit a certified true copy of the court disposition (with original raised seal/stamp from the Clerk of Courts Office) to their supervisor/manager within 48 hours of the disposition.

## Disciplinary Action Due to Criminal Offenses

- Disciplinary action is issued based on the documented behavior and is separate and apart from the criminal proceedings.
- Discipline may be issued at the time of being charged or may be issued after the court disposition and is normally considered on a case-by-case basis.
- If you are a certified officer, it is important to be aware that any disciplinary action that is initiated by the Department does not preclude any action that may be taken by the Criminal Justice Standards Division.

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**Orientation Manual Page: 65**

Disciplinary action may be issued based on the documented behavior and is separate and apart from the criminal proceedings. Discipline may be issued at the time of being charged or may be issued after the court disposition and is normally considered on a case-by-case basis.

If you are a certified officer, it is important to be aware that any disciplinary action that is initiated by the Department does not preclude any action that may be taken by the Criminal Justice Standards Division.

## Criminal Offenses for Certified Officers

- Are required to be reported to the Criminal Justice Standards Division.
- If convicted of a misdemeanor offense while employed as a criminal justice officer, Criminal Justice certification may be suspended for three (3) years, based on the decision of the Criminal Justice Standards Division.
- Commission or conviction of a felony while employed as a criminal justice officer will result in the suspension of Criminal Justice certification.

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**Orientation Manual Page: 66**

Arrests and criminal offenses of certified officers are required to be reported to the Criminal Justice Standards Division. Work units report certified officer's criminal offenses to DPS Personnel and DPS Personnel reports these offenses to the Criminal Justice Standards Division.

After the employee has gone to court and a court disposition has been issued, the work unit will report the disposition to DPS Personnel and DPS Personnel will report the disposition to the Criminal Justice Standards Division.

If a certified officer is convicted of a misdemeanor offense while employed as a criminal justice officer, their Criminal Justice certification may be suspended for three (3) years, based on the decision of the Criminal Justice Standards Division. Commission or conviction of a felony while employed as a criminal justice officer will result in the suspension of Criminal Justice certification.

Please note that according to the Criminal Justice Administrative Code, "Convicted" or "Conviction" means and includes:

- Verdict or Finding of Guilty or
- Plea of Guilty or
- Plea of No Contest, Nolo Contendere, or the Equivalent

In addition, if an employee is charged with an offense but it is dismissed in court, the charge still has to be reported to the Criminal Justice Standards Division. Criminal Justice will investigate the offense and if they

find that there is reason to believe that the employee committed the offense, regardless of the court disposition, they still may revoke certification.

Although DPS Personnel notifies the Criminal Justice Standards Division of certified employee's criminal offenses, ultimately, it is the certified officer's obligation and responsibility to ensure that criminal offenses are reported to Criminal Justice Standards Division.

## Domestic Violence Orders

- Required to report within 24 hours to his/her supervisor any domestic violence order.
- The employee shall be reassigned to a post not requiring the use of a firearm.
- Temporary reassignment of duty is subject to the availability of appropriate positions. Should the order exceed a 12-month period, employment status shall be reevaluated.
- NOTE: Employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9).

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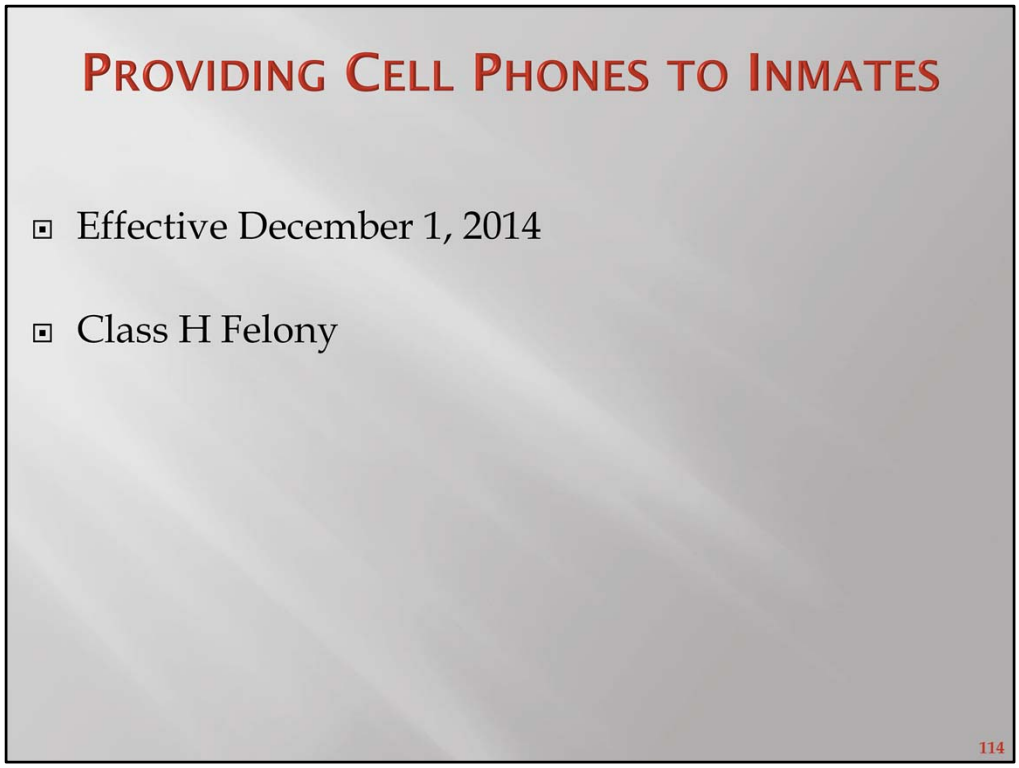
**Orientation Manual Page: 67**

All employees are required to report within 24 hours to his/her supervisor any domestic violence order. The employee shall be reassigned to a post not requiring the use of a firearm. The granting of any temporary reassignment of duty is subject to the availability of appropriate positions and may be to a different division. Should the order exceed a 12-month period, employment status shall be reevaluated.

NOTE: Employees in positions that may handle firearms are subject to the federal "Domestic Violence Offender Gun Ban" at 18 U.S.C. § 922(g)(9). Criminal offenses that relate to this may result in employee termination. Refer to the section in the Orientation Manual on "Criminal Convictions with Firearms Prohibitions" for more information.




**Orientation Manual Page: 67**

Effective December 1, 2014 any person who knowingly gives or sells a mobile telephone or other wireless communications device, or a component of one of those devices, to an inmate in the custody of the Division of Adult Correction of the Department of Public Safety or to an inmate in the custody of a local confinement facility, or any person who knowingly gives or sells any such device or component to a person who is not an inmate for delivery to an inmate, is guilty of a Class H felony.

## Dealing with Media Inquiries

- Responding to news media inquiries promptly is good customer service.
- All media inquiries should be handled through coordination with the DPS Communications Office.
- DPS staff should always inform their supervisor of media inquiries and work with the appropriate communications officer before responding.

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**Orientation Manual Page: 68**

Responding to news media inquiries promptly is good customer service.

In order to provide accurate and comprehensive response, all media inquiries should be handled through coordination with the DPS Communications Office.

DPS staff should always inform their supervisor of media inquiries and work with the appropriate communications officer before responding.

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It is the policy of the Department of Public Safety to provide a Performance Management System that fosters ongoing communication between supervisors and employees to ensure employees are aware of what is expected of them, are provided feedback on their performance, are provided opportunities for training/development, and are rated in a fair and equitable manner.

DPS evaluates employee performance annually. Performance discussions between you and your supervisor will occur throughout your performance. However, the three discussions required by policy are the Work Planning Discussion, the Interim Review, and the Final Evaluation.

There are 3 phases to the Performance Management process
Planning
Managing
Appraising.

<u>Work Plan Discussion</u>
A Work Plan Discussion should occur between a new employee and supervisor within the first 30 days. During the Work Planning Discussion, the supervisor will go over the employee's Performance Standard indicating performance expectations. Any performance goals, special projects for the year, or career development plans are discussed and documented. The supervisor and employee will also discuss performance tracking sources.

Managing

Employees are responsible for meeting or exceeding performance expectations.
Supervisors are expected to observe performance, monitor progress and provide feedback.
Performance progress is tracked on a performance tracking log.
Employees are encouraged to track their own progress toward their goals.

For new employees, in the 6th month, supervisors should conduct an Interim Review. The supervisor discusses the employee's progress towards accomplishment of the established expectations and goals. A performance rating will be issued at this time based on the previous 6 months of performance.

Appraise

At the end of the 12th month, a Final Evaluation will be conducted. A Final Evaluation Overall Rating will also be issued.
The supervisor reviews, evaluates and fairly rates the employee's actual performance results for the entire performance cycle.
Employees are encouraged to complete a self-evaluation of their accomplishments relative to their performance expectations and goals.
Plan for the next performance cycle.

## Changes to Performance Management

- Effective July 1, 2015
- Cycle July 1 – June 30
- Applies to all State Employees
- 3 Level Rating Scale
  - Exceeds Expectations
  - Meets Expectations
  - Does Not Meet Expectations
- Use of a Technology Tool
- 50% Goals Related to job and position responsibilities
- 50% Values determined by OSHR and DPS Leadership

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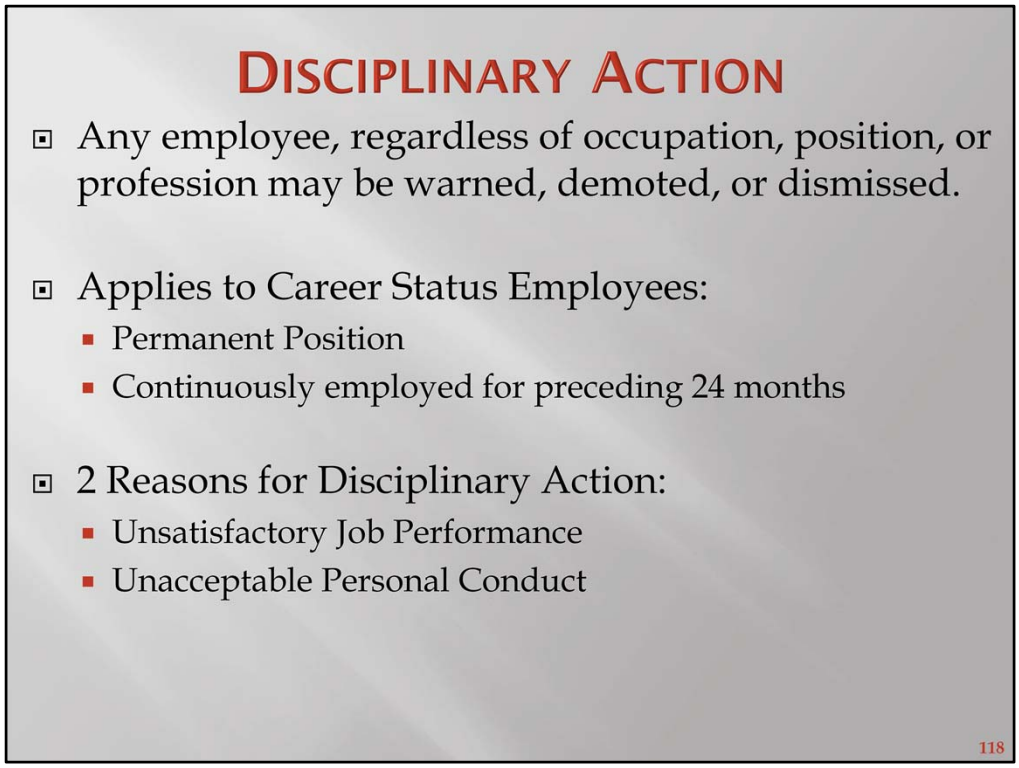
**Orientation Manual Page: 70**
Effective July 1, 2015 the State of North Carolina will begin a new Performance Management System called Valuing Individual Performance (VIP). More information can be found on this new system at: http://www.oshr.nc.gov/Guide/PerformanceMgmt/index.htm

Below is a summary of the changes to the new process:
The rating scale will now be a 3-level rating scale:
Exceeds Expectations
Meets Expectations
Does not Meet Expectations
A Performance Management Technology tool will be used for the administration of the Performance Management Process.
Every employee's work plan will be comprised of 3-5 goals related to their job and position responsibilities. There will also be specific tasks documented related to the employee's goals. Goals will comprise 50% of the overall performance rating.
Every employee will have values as part of their work plan. 2-4 values will be determined and assigned by the Office of State Human Resources to all state employees. Up to 5 additional values will be assigned by DPS executive leadership to all DPS Employees. These values will comprise 50% of the overall annual performance rating.
The performance cycle will begin on July 1 and end June 30 of each year, beginning July 1, 2015.

More information is being distributed through DPS Human Resources as this project is being implemented

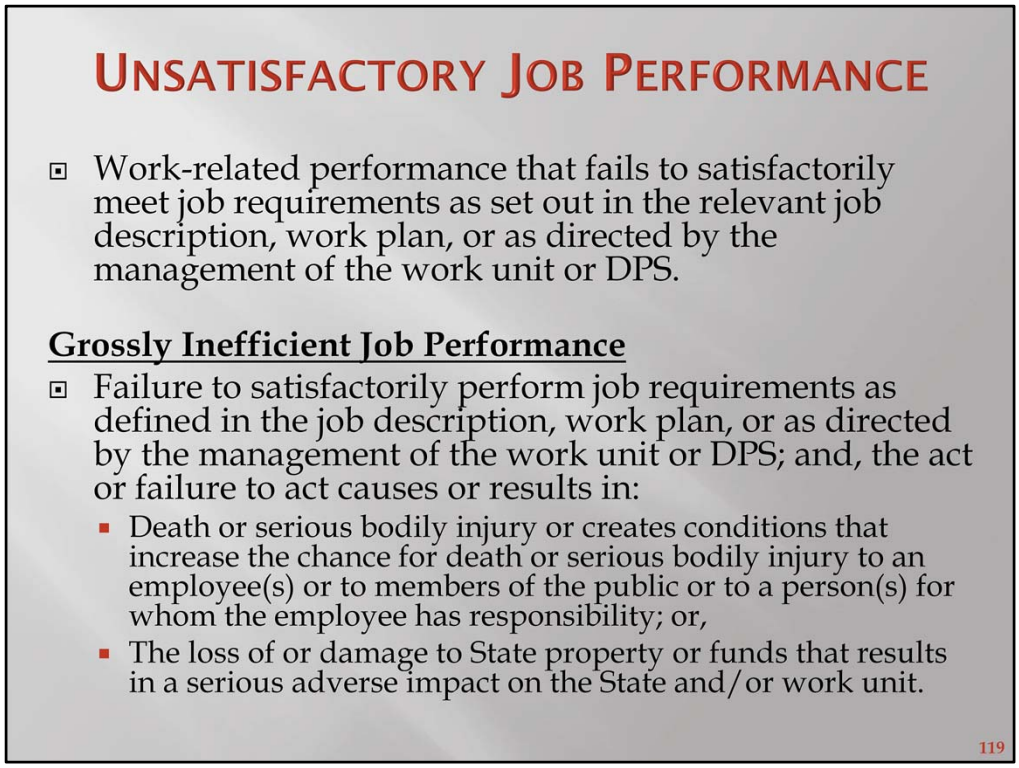



**Orientation Manual Page: 71**
Any employee, regardless of occupation, position, or profession may be disciplined in accordance with this policy by the Commissioner or designee.

The Department of Public Safety (DPS) Disciplinary Process ensures all employees receive fair and consistent treatment relative to addressing job performance and personal conduct issues in the workplace. Adherence to this policy and the procedures will assure compliance with current State Human Resources Commission (SHRC) rules, Office of State Human Resource (OSHR) policies and further ensure that disciplinary actions are administered in a fair and equitable manner.

This policy applies to Career Status Employees which is an employment
Permanent Position
Continuously employed for preceding 24 months

There are 2 Reasons for Disciplinary Action:
Unsatisfactory Job Performance
Unacceptable Personal Conduct




**Orientation Manual Page: 71**

The two reasons for the discipline or dismissal of employees are:

- Unsatisfactory job performance,
- Unacceptable personal conduct which also includes including grossly inefficient job performance

First we will talk about unsatisfactory job performance.

Work-related performance that fails to satisfactorily meet job requirements as set out in the relevant job description, work plan, or as directed by the management of the work unit or DPS.

Unsatisfactory Job Performance can also include Grossly Inefficient Job Performance.
Grossly inefficient job performance is defined as failure to satisfactorily perform job requirements as defined in the job description, work plan, or as directed by the management of the work unit or DPS; and, the act or failure to act causes or results in:
Death or serious bodily injury or creates conditions that increase the chance for death or serious bodily injury to an employee(s) or to members of the public or to a person(s) for whom the employee has responsibility; or,
The loss of or damage to State property or funds that results in a serious adverse impact on the State and/or work unit.
What are some examples that you can think of that would be considered Unsatisfactory Job Performance?

**SOLICIT EXAMPLES AND BRIEFLY DISCUSS**

## Unacceptable Personal Conduct

- Conduct for which no reasonable person should expect to receive prior warning; or
- Job-related conduct which constitutes a violation of State or federal law; or
- Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State; or
- The willful violation of known or written work rules; or
- Conduct unbecoming a State employee that is detrimental to State service; or
- The abuse of client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility or of an animal owned by the State; or
- Absence from work after all authorized leave credits and benefits have been exhausted; or
- Falsification of a State application or in other employment documentation.

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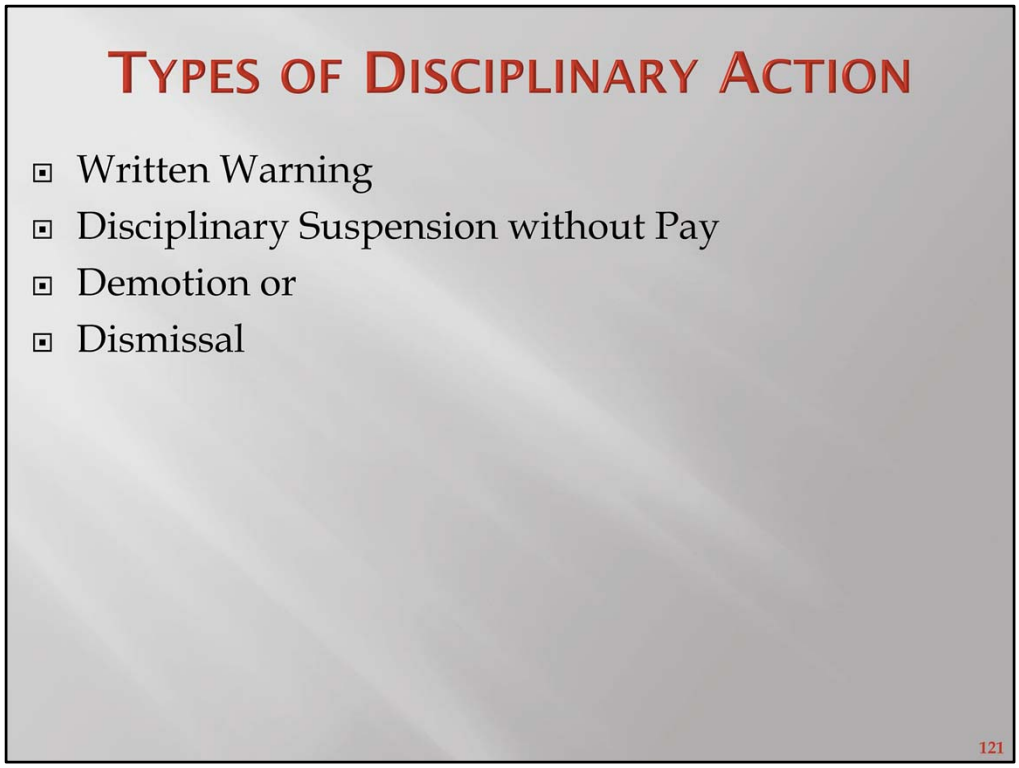
**Orientation Manual Page: 72**
The 2nd reason for discipline or dismissal is Unacceptable Personal Conduct.

Unacceptable Personal Conduct- includes:
Conduct for which no reasonable person should expect to receive prior warning; or
Job-related conduct which constitutes a violation of State or federal law; or
Conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the State; or
The willful violation of known or written work rules; or
Conduct unbecoming a State employee that is detrimental to State service; or
The abuse of client(s), patient(s), student(s) or person(s) over whom the employee has charge or to whom the employee has a responsibility or of an animal owned by the State; or
Absence from work after all authorized leave credits and benefits have been exhausted; or
Falsification of a State application or in other employment documentation.

No prior warnings are needed to dismiss an employee for grossly inefficient job performance or unacceptable personal conduct.

What are some examples that you think might be considered Unacceptable Personal Conduct?
**SOLICIT EXAMPLES AND BRIEFLY DISCUSS**




**Orientation Manual Page: 72**

When just cause exists, the disciplinary actions that can be issued are:

- Written Warning
- Disciplinary Suspension without Pay
- Demotion or
- Dismissal

Pages 72 and 73 of your manual detail the requirements for each type of disciplinary action for the 2 Reasons for Disciplinary Action. Take a moment to review these requirements.

## Interim Measures

- Once the basic allegations and issues have been identified, management will determine whether there is a need for preliminary action pending completion of the investigation.
  - Investigatory Placement
  - Temporary Placement

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**Orientation Manual Page: 73**

An employee may be placed on Investigatory Leave with Pay (ILWP) per approval from the Human Resources Director or designee(s), or in appropriate circumstances, without prior approval, but with notification to the OSHR Director or designee the following business day. Investigatory leave shall be with pay (i.e. no charge to the employee's accrued leave) and may be used to temporarily remove an employee from work status. Investigatory leave does not constitute a disciplinary action, and therefore, may not be appealed.

An employee may be placed on ILWP only:
To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
To provide time within which to schedule and conduct a pre-disciplinary conference; or
To avoid disruption of the work place and/or to protect the safety of persons or property.

**Temporary Placement**
In lieu of ILWP, a manager may consider temporarily placing an employee within the work unit or to another work unit if applicable and based on business need. Employees temporarily placed shall be given written notification of the temporary placement when the placement results in a change of work locations or if there are any specific instructions. Such actions are for the benefit of the employee(s) and DPS to ensure a fair and objective investigation. For that reason, temporary placements are not grievable and do not carry appeal rights.

## Inactive Disciplinary Action

- The manager or supervisor notes in personnel file that reasons for action have been resolved.
- For performance related discipline the performance management process reflects a summary rating at an acceptable level for that area.
- 18 months have passed since issuance with no additional disciplinary actions.

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**Orientation Manual Page: 74**

A disciplinary action becomes inactive, i.e., cannot be counted towards the number of prior disciplinary actions that must be issued before further disciplinary action can be issued for unsatisfactory job performance when:

- The manager or supervisor notes in the employee's personnel file that the reason(s) for the disciplinary action has/have been resolved or corrected; or
- For performance-related disciplinary actions, the performance evaluation process documents a summary rating that reflects an acceptable level of performance overall and satisfactory performance in the area cited in the warning or other disciplinary action, or
- Eighteen (18) months have passed since issuance of the warning or disciplinary action and the employee does not have another active warning or disciplinary action occurring within the last eighteen (18) months. If a warning, demotion or disciplinary suspension occurs within the eighteen (18) months of prior disciplinary warnings, demotions or suspensions, the disciplinary action will remain active until the end date of the most recent disciplinary action

## Grievances

It is the policy of North Carolina State government that a grievance process exist to allow for prompt, fair and orderly resolution of grievances arising out of employment.

Employees have the right to present a grievance free from interference, restraint, coercion, or reprisal.

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**Orientation Manual Page: 75**

Since disciplinary actions can sometimes result in employee grievances/appeals, the Office of State Human Resources (OSHR) sets forth a process for dealing with those grievances and appeals. It is the policy of North Carolina State government that a grievance process exist to allow for prompt, fair and orderly resolution of grievances arising out of employment.

## Examples of Grievable Issues*

- Dismissal, demotion or suspension without pay for lack of just cause
- Denial of promotion due to failure to post
- Failure to give priority reemployment rights after a reduction in force
- Denial of request to remove inaccurate/misleading info from personnel file
- Denial of veteran's preference
- Any retaliatory personnel action for reporting improper gov't activities
- Violation of the Fair Labor Standards Act(FLSA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), or Americans with Disabilities Act (ADA)
- Unlawful workplace harassment

*This is not an all inclusive list. Refer to the policy for a complete list of grievable issues

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**Orientation Manual Page: 75**

This is a list of SOME grievable issues. A complete list of grievable issues can be found in the policy that is noted in your manual.

- Dismissal, demotion or suspension without pay for lack of just cause
- Denial of promotion due to failure to post
- Failure to give priority reemployment rights after a reduction in force
- Failure to give employees in exempt policy-making or exempt managerial status priority reemployment consideration or reassignment after removal from an exempt position
- Denial of request to remove inaccurate or misleading information from personnel file
- Denial of veteran's preference regarding reduction in force, and other employment events including subsequent hirings, promotions, reassignments, and horizontal transfers
- Any retaliatory personnel action for reporting improper government activities
- Violation of the Fair Labor Standards Act(FLSA), Age Discrimination in Employment Act (ADEA), Family and Medical Leave Act (FMLA), or Americans with Disabilities Act (ADA)
- Unlawful workplace harassment based upon age, sex, race, color, national origin, religion, creed, or disabling condition, including both quid pro quo and hostile work environment.

## Grievance Process

- Informal discussion with Supervisor.
- If not successful, initiate Step 1 Grievance form within 15 days of the alleged occurrence.
- 2 Step Resolution Process
  - Step 1: Mediation
  - Step 2: Hearing before Employee Advisory Committee

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**Orientation Manual Page: 75**

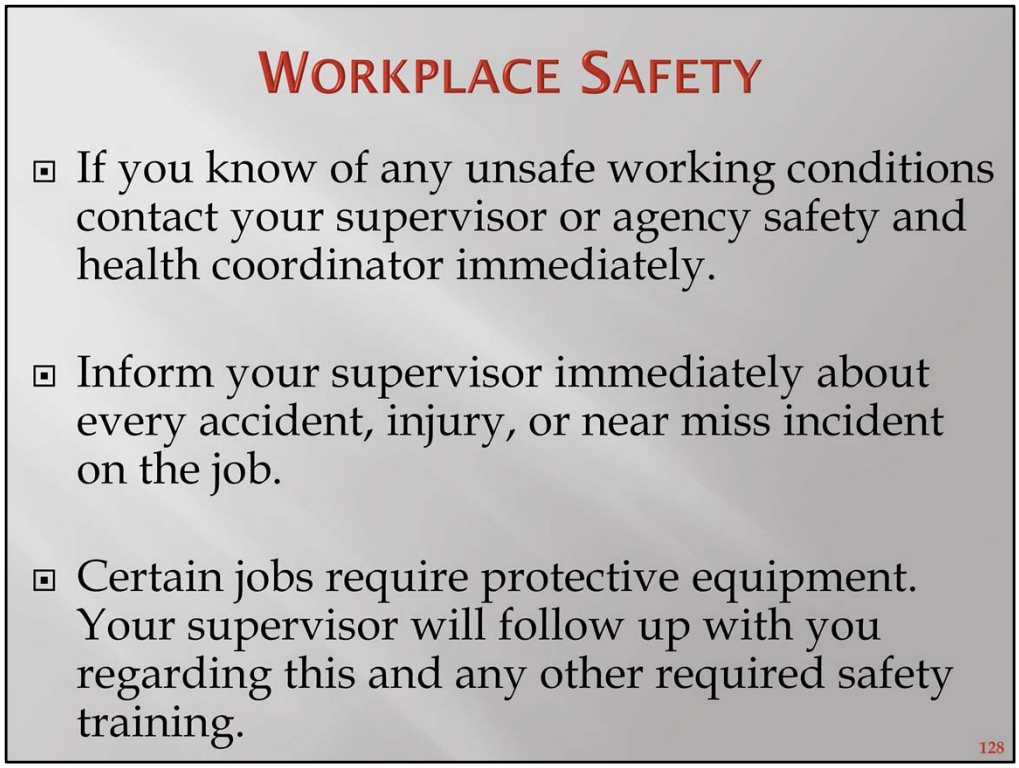
If an employee has a problem or issue, it should be discussed first with the employee's immediate supervisor or the appropriate supervisor within the employee's chain of command. This should occur within 15 days of the alleged grievable issue. The employee must clearly declare to the supervisor or other appropriate personnel that the Informal Discussion request is regarding an alleged event or action that is the basis of a potential grievance.

If communication with the supervisor does not resolve the issue, the employee may file a written grievance. The grievance must be submitted by using the Step 1 Grievance Filing Form. The employee must submit the grievance within fifteen calendar days of the alleged occurrence of the event or action that is the basis of the grievance.

There is a two-step process for resolution of employee grievances internal to DPS. Each step is designed to maximize communication and resolution of workplace issues.
Step 1: Mediation: a structured process using a neutral third party to attempt to help parties resolve their conflict. When mediation does not produce an agreement at Step 1, the grievance may be appealed in Step 2. This step will include a hearing with an Employee Advisory Committee. The request to appeal shall be made in writing by completing the Step 2 Grievance Filing Form. Once the Panel hears the case, a Final Agency Decision is issued. If the employee is not in agreement with the Final Agency Decision, some grievable issues may appealed to the Office of Administrative Hearings. Please refer to the policy for a complete list.

**Orientation Manual Page: 77**

The Department of Public Safety strives to provide a safe and healthy work environment for its employees and the general public. There are certain items related to safety and health that every employees needs to be aware of.




**Orientation Manual Page: 77**

The protection of our fellow state employees and the public on state property is a responsibility we all share. If you know of any unsafe working conditions or improperly operating equipment that could result in an accident, injury, illness or property loss, contact your supervisor or agency safety and health coordinator immediately. Inform your supervisor immediately about every accident, injury, or near miss incident on the job.

For certain jobs, personal protective equipment must be worn. A hazard assessment of the workplace and of job duties will identify these positions and the types of personal protective equipment required. If you are required to use personal protective equipment, your supervisor will discuss its proper use, care, maintenance and storage.

## HIV/AIDS

- HIV and AIDS are considered disabilities under the Americans with Disability Act.
- The state recognizes the rights and concerns of employees who may be infected with HIV or AIDS. It wants to ensure that all employees receive confidential, fair and equal treatment
- DPS does not discriminate against applicants or employees who have or are suspected of having the HIV virus or AIDS.
- Managers will respond to employees concerned about their own safety.

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**Orientation Manual Page: 77**

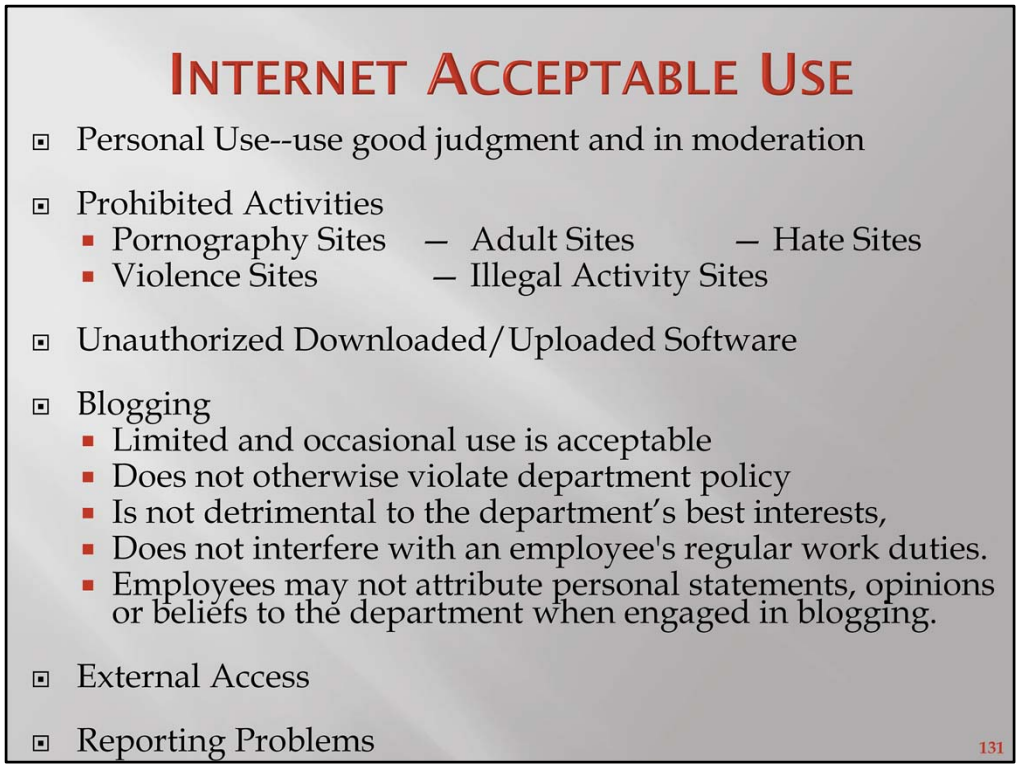
Another work environment issue is AIDS. There is concern for employees who may be exposed as a part of their job responsibilities and for employees who may have HIV or AIDS. The employment related rights of all employees must be protected.

HIV and AIDS are considered disabilities under the Americans with Disability Act. Therefore, the state has adopted a policy that guides supervisors and employees in dealing with HIV and AIDS in the workplace. The state recognizes the rights and concerns of employees who may be infected with HIV or AIDS. It wants to ensure that all employees receive confidential, fair and equal treatment.

North Carolina State Government and the Department of Public Safety does not discriminate against applicants or employees who have or are suspected of having the HIV virus or AIDS; however, managers will respond to employees concerned about their own safety.

**Orientation Manual Page: 78**

We will not spend some times discussing policies and requirements related to technology. Not all employees within the department use technology at the same level. But there are some basic policies that apply to all employees.




**Orientation Manual Page: 78**

Access to the Internet through the Department of Public Safety (DPS) network and computer systems opens a wide array of new resources and new services for its employees. However, these new opportunities also bring new risks. The Department controls Internet access to safeguard against a multitude of threats and grants access only to those employees who have a legitimate need for it. The ability to surf the web and engage in other Internet activities is not a fringe benefit to which all employees are entitled.

**Personal Use**

Employees are responsible for exercising good judgment regarding the reasonableness of personal use of the Internet. Moderate personal use of the Internet will be tolerated but excessive personal use is prohibited. Department of Public Safety policy does not allow for unrestricted personal use of the Internet. Users must adhere to other Department of Public Safety and State acceptable use polices which prohibits employees from visiting certain web sites at any time.

**Prohibited Activities**

With the exception of an authorized task or assignment, Department of Public Safety employees are strictly prohibited from visiting certain types of websites. The items listed below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use:

- Pornography Sites
- Adult Sites
- Violence Sites
- Hate Sites

- Illegal Activity Sites

**Unauthorized Downloaded Software**
Bringing software from home or downloading unauthorized software and installing it on a DPS personal computer or network is strictly prohibited. However, if a legitimate business need exists for a particular file or piece of software, it must be approved and installed by appropriate IT personnel.

**Unauthorized Uploaded Software**
No software shall be uploaded which has been licensed from a third party, or which has been developed by the Department to any other computer via the Internet. If a legitimate business need exists, it must be approved by the department.

**Blogging**
Blogging by employees (e.g. Twitter) is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of department systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate department policy, is not detrimental to the department's best interests, and does not interfere with an employee's regular work duties. Employees may also not attribute personal statements, opinions or beliefs to the department when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of the department. Employees assume any and all risk associated with blogging. Blogging from department systems is also subject to monitoring.

**External Access**
With supervisory authorization and appropriate authentication, DPS employees wishing to establish a connection with the Department's network from an outside source such as an Internet Service Provider (ISP) via the Internet is acceptable.

**Reporting Problems**
Immediate reporting of Internet security violations or problems to the Information Security Office is essential in order to affect prompt remedial action. Immediate reporting is necessary to limit losses from system penetrations and other potentially serious security problems. Delays in reporting can mean massive additional losses for the Department.

- Should sensitive material or data become lost, stolen, or disclosed to unauthorized parties, or is suspected of being lost, stolen, or disclosed to unauthorized parties, the user must contact the Information Security Office immediately. If passwords or other system access control mechanisms are lost, stolen or disclosed, or are suspected of being lost, stolen, or disclosed, the password must be immediately changed. The Information Security Office shall also be immediately contacted.
- Unusual system behavior, such as missing files, frequent system crashes, misrouted messages or other indications that the system has a computer virus infection shall be reported to the appropriate Helpdesk or the Information Security Office immediately.

**Orientation Manual Page: 79**

Email is a business communication tool, and users are obligated to use this tool in a responsible, efficient, and lawful manner. Although by nature Email appears to be a less formal means of communication, the same professional standards apply to Email as to other more formal written communication.

**Personal Use**
While minimal personal use of email will be tolerated, excessive personal use of email is prohibited.

**Privacy**
All messages distributed by any of the department's email systems shall become the property of the Department of Public Safety. Users expressly waive any right to privacy in anything they create, store, send, or receive via Email.

**Violations**
Violations of this policy may result in revocation of privileges, restricted access to network systems, and/or other appropriate disciplinary action, up to and including dismissal. The Department of Public Safety reserves the right to monitor all network assets, including employee Internet usage.

**Orientation Manual Page: 81**

Due to the greater likelihood for theft or loss, users should avoid storing confidential information on laptops or other portable media and devices whenever possible.

- Any mobile device (including a personally owned device such as a smartphone) that contains confidential information, DPS email, or other sensitive data, shall have the device and/or information encrypted using a department approved encryption method.
- Attachments should not be opened from untrusted sources.
- Links from untrusted sources should not be followed, especially from unsolicited email or text messages.
- Bluetooth functionality should be disabled if it is not in use.
- Data shall be removed before disposing of the device.
- The use of wireless devices to access the DPS network must be authorized by the DPS MIS division.
- In the event of theft or loss, DPS employees shall notify their management and the Information Security Office as soon as the theft is detected. Also, employees shall adhere to DPS policy for reporting misuse and/or theft of State property.
- Before a thumb/flash drive is connected to a DPS device, employees shall ensure that the appropriate security software (e.g. antivirus, antispyware, etc) is installed and current on the affected DPS device. Thumb/Flash drives with unauthorized/unapproved virtual operating systems are prohibited.

## Copyright Infringement

- Employees shall obey licensing agreements and shall not install unauthorized copies of commercial software on agency technology devices.
- Copying software for any purpose other than making a back-up or archival copy is strictly prohibited unless prior written authorization has been obtained.
- Some license agreements restrict the use of software to certain equipment or devices. Unauthorized use of this software will be considered as unauthorized copying.
- The department does not require, request or condone unauthorized copying of computer software by its employees and violation of this policy may subject employees to disciplinary and/or legal action.

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**Orientation Manual Page: 82**

Unauthorized use of copyrighted computer software is a violation of federal copyright law, and a likely breach of this Department's license agreement with the software supplier. As a result, employees shall obey licensing agreements and shall not install unauthorized copies of commercial software on agency technology devices.

Copying software for any purpose other than making a back-up or archival copy is strictly prohibited unless prior written authorization has been obtained from the software manufacturer and appropriate Department of Public Safety officials.

Some license agreements restrict the use of software to certain equipment or devices. Unauthorized use of this software will be considered as unauthorized copying.

The department does not require, request or condone unauthorized copying of computer software by its employees and violation of this policy may subject employees to disciplinary and/or legal action.

## Social Media Policy

- NCDPS recognizes that its employees may use social media on a personal basis outside of their professional activities.
- A NCDPS employee who posts work related information on a social media site is still subject to the terms of this policy.
- Employees must clearly label and distinguish a personal opinion when it is publicly stated about NCDPS related matters.
- Personal social networking sites should remain personal.
- No use of state email account or password in conjunction with a personal social networking sites.

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**Orientation Manual Page: 82**

NCDPS recognizes that its employees may use social media on a personal basis outside of their professional activities and that such use may include the right to exercise freedom of speech. However, NCDPS encourages its employees to use good judgment when posting to a social media site as a private citizen, especially if the employee refers to anything related to NCDPS business. Employees must be mindful that they could blur their personal and professional lives when using social media. Even when acting away from the office in a private capacity, an employee must remember that he or she may be perceived by the public as representing the agency and state government as a whole when discussing NCDPS activities.

A NCDPS employee who posts work related information on a social media site is still subject to the terms of this policy. Employees must clearly label and distinguish a personal opinion when it is publicly stated about NCDPS related matters.

It is recognized that many NCDPS employees have personal social networking sites. These sites should remain personal. Employees should not conduct NCDPS business by way of any personal account. This helps to ensure a distinction between personal and agency views. Employees must not use their state e-mail account or password in conjunction with a personal social networking site. Employees may use personal social networking for limited family or personal communications while at work. Those communications should occur on break times and must not interfere with their work.

**Orientation Manual Page: 84**

This concludes your new hire orientation. We have covered a great deal of information related to departmental policies and procedures and your benefits.

Are there any questions regarding what we have covered?

You will need to complete the acknowledgement form and forward that to your supervisor to be placed in your personnel file at your work location. Your completion of this orientation program will then be entered in the Learning Management System (LMS). Once entered you will also have to complete an electronic acknowledgement in the Learning Management System. If you have questions about that process or have difficulty please talk with your HR Rep at your work location.

Thank you for your participation and your attention today and we wish you the best of luck with the Department.